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## FOOD AND DRUG ADMINISTRATION

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1501-1700

## FOODS

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## BEVERAGES AND BEVERAGE MATERIALS

## TEA

The article was alleged to be misbranded in that the statement "Net Weight 2 Ounces" was false and misleading since it was incorrect. It was alleged to be



misbranded further in that its container was so made, formed, or filled as to be misleading; in that it was in package form and did not bear an accurate statement of the quantity of the contents; and in that the statement of the quantity of the contents required by law to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On August 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FRUIT JUICES

**1502. Adulteration of grapefruit juice. U. S. v. 1,673 Cases of Canned Grapefruit Juice. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 2342. Sample No. 30404-E.)

Samples of this product were found to contain maggots and rodent hairs.

On or about July 16, 1940, the United States attorney for the Northern District of Illinois filed a libel against 1,673 cases of canned grapefruit juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 11, 1940, by the Christensen Products Corporation from Weslaco, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Tropic Gold Bild-Up \* \* \* Packed Exclusively for Bill Rice Products."

On August 16, 1940, the Christensen Products Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be segregated according to code numbers so as to separate the fit from the unfit and that it be disposed of in compliance with the law. The unfit portion was segregated and destroyed in accordance with said decree.

**1503. Adulteration of tomato juice. U. S. v. 20, 65, 35, and 110 Cases of Tomato Juice. Default decree of condemnation and destruction.** (F. D. C. No. 2171. Sample Nos. 13172-E to 13175-E, incl.)

This product contained excessive mold, indicating the presence of decomposed material.

On June 11, 1940, the United States attorney for the District of Idaho filed a libel against a total of 230 cases of tomato juice at Moscow, Idaho, alleging that the article had been shipped in interstate commerce on or about October 17, 1939, by the Royal Canning Corporation from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was variously labeled in part: "Royal Club Fancy Tomato Juice \* \* \* Packed for Mason Ehrman and Co. Portland Oregon"; "IGA Tomato Juice \* \* \* Packed for Independent Grocers Alliance Distributing Company New York-Chicago-San Francisco."

On May 14, 1941, the claimant having withdrawn its answer, judgment of condemnation was entered and the product was ordered destroyed.

**1504. Adulteration of tomato juice. U. S. v. 195 Cases of Tomato Juice. Default decree of condemnation and destruction.** (F. D. C. No. 3050. Sample No. 26105-E.)

This product contained mold, indicating the presence of decomposed material.

On September 20, 1940, the United States attorney for the District of Oregon filed a libel against 195 cases of tomato juice at Medford, Oreg., alleging that the article had been shipped in interstate commerce on or about October 14, 1939, by the Royal Canning Corporation from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Royal Club Fancy Tomato Juice. \* \* \* Packed for Mason Ehrman & Co., Portland Oregon."

On May 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CEREAL PRODUCTS

##### FLOUR

Nos. 1505 to 1519 report the seizure and disposition of flour that was in interstate commerce at the time of examination and was found to be insect-infested at that time. It was not alleged in these cases that the contamination existed at the time the flour was shipped.



**1505. Adulteration of flour. U. S. v. 173 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured.** (F. D. C. No. 2464. Sample No. 9797-E.)

On July 30, 1940, the United States attorney for the Southern District of Alabama filed a libel against 173 bags of flour at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about June 3, 1940, by the Arkansas City Flour Mills from Arkansas City, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 8, 1940, the Dixie Portland Flour Co., of Memphis, Tenn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured and disposed of for purposes other than human consumption.

**1506. Adulteration of flour. U. S. v. 102 Bags and 44 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3070, 3086. Sample Nos. 15920-E, 39281-E.)

On September 24, 1940, the United States attorney for the Western District of Arkansas filed libels against 146 bags of flour at Clarksville, Ark., alleging that the article had been shipped in interstate commerce on or about January 8 and March 19, 1940, by the Canadian Mill & Elevator Co. from El Reno, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden Beauty \* \* \* Flour."

On April 2, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1507. Adulteration of flour. U. S. v. 111 Bags of Flour. Consent decree of condemnation. Product released under bond to be reworked and denatured.** (F. D. C. No. 2463. Sample No. 9796-E.)

On July 30, 1940, the United States attorney for the Southern District of Alabama filed a libel against 111 bags of flour at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about May 13, 1940, by the Dixie Portland Flour Co. from Memphis, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 8, 1940, the Dixie Portland Flour Co., a corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured and disposed of for purposes other than human consumption.

**1508. Adulteration of flour. U. S. v. 200 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 3758. Sample No. 47305-E.)

On or about February 11, 1941, the United States attorney for the Northern District of Illinois filed a libel against 200 bags of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by the Farmers Cooperative Mercantile Co. from Scribner, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Bakers King Flour."

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1509. Adulteration of flour. U. S. v. 4 Bags of Flour. Consent decree of condemnation and destruction.** (F. D. C. No. 3882. Sample No. 47309-E.)

On March 3, 1941, the United States attorney for the Northern District of Illinois filed a libel against 4 bags of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 1, 1940, by the W. J. Denison Co. from Appleton, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Beulah Highest Grade Strong Bakers Flour."

On March 21, 1941, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1510. Adulteration of flour. U. S. v. 142 Bags of Flour. Consent decree of condemnation and destruction.** (F. D. C. No. 3727. Sample No. 47302-E.)

On February 5, 1941, the United States attorney for the Northern District of Illinois filed a libel against 142 bags of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 24, 1940, by the Larabee Flour Mills Co. from Kansas City, Mo.; and charging that it was



adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Tag) "Neumann Fancy Strong Clear."

On February 20, 1941, the consignee having consented to the entry of a decree, judgment of condemnation was ordered and the product was ordered destroyed.

**1511. Adulteration of flour. U. S. v. 4 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 3995. Sample No. 46784-E.)

On March 15, 1941, the United States attorney for the District of New Jersey filed a libel against 4 bags of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 8, 1940, by the Minot Flour Mill Co., Inc., from Minot, N. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part "Expander Flour."

On May 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1512. Adulteration of flour. U. S. v. 46 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 3757. Sample No. 47304-E.)

On February 7, 1941, the United States attorney for the Northern District of Illinois filed a libel against 46 bags of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 2, 1940, by the National Milling Co. from Hastings, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "High Gluten Empress Flour."

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1513. Adulteration of flour. U. S. v. 16 and 56 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 3996. Sample Nos. 46799-E, 46800-E.)

On March 15, 1941, the United States attorney for the District of New Jersey filed a libel against 72 bags of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 22, 1940, by the Stanard-Tilton Milling Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dynamo First Clear Flour Bleached Distributed by Metzendorf Bros., Inc.;" or "Fancy Dynamo First Clear Flour Metzendorf Bros., Inc., Distributor."

On May 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1514. Adulteration of flour. U. S. v. 30 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 3301. Sample No. 34963-E.)

On October 30, 1940, the United States attorney for the Eastern District of New York filed a libel against 30 bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 10, 1939, by the Tri-State Milling Co. from Rapid City, S. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Spring High Gluten Marksman Brand Flour."

On April 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1515. Adulteration of flour. U. S. v. 17 and 29 Bags of Flour. Consent decree of condemnation. Product ordered distributed to county institutions for use as feed for livestock.** (F. D. C. No. 2511. Sample Nos. 28714-E, 28715-E.)

On August 19, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 46 bags of flour at Welch, W. Va., alleging that the article had been shipped in interstate commerce on or about May 17 and July 1, 1940, by the Wichita Flour Mills Co. from Wichita, Kans.; and charging that it was adulterated in that it was insect-infested and was otherwise unfit for food. It was labeled in part: "Kansas Expansion Flour."

On February 21, 1941, the Wichita Flour Mills Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product might be released under bond to be disposed of for animal feed. On May 12, 1941, the claimant having failed to take the product down under bond, it was ordered distributed to a county institution to be denatured and used as stock and hog feed.



**1516. Adulteration of flour. U. S. v. 10 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 2493. Sample No. 28811-E.)

On August 13, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against 10 bags of flour at Warrenton, N. C., alleging that the article had been shipped in interstate commerce on or about January 5 and April 13, 1940, by the Wilkins-Rogers Milling Co., Inc., from Washington, D. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "White Lily Fancy Patent Flour."

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed after 30 days unless taken down under bond by the owner. The product was destroyed in accordance with the decree.

**1517. Adulteration of self-rising flour. U. S. v. 88 Sacks and 42 Bags of Flour (and 1 other seizure action against flour). Default decrees of condemnation and destruction.** (F. D. C. Nos. 2815, 2816, 2997. Sample Nos. 9913-E, 9914-E, 20849-E, 20850-E.)

On or about October 2, 1940, the United States attorney for the Northern District of Florida and the Southern District of Mississippi filed libels against 88 sacks and 42 bags of flour at Tallahassee, Fla., and 232 bags of flour at Meridian, Miss., alleging that the article had been shipped in interstate commerce within the period from on or about January 15 to on or about May 7, 1940, by the Kansas Milling Co. from Wichita, Kans., and Knoxville, Tenn. Records secured from the consignee of the 42 bags shipped from Knoxville, Tenn., showed that it was shipped by J. Allen Smith & Co. from Knoxville, Tenn. It was charged that the article was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part variously: "De Rose Fancy Patent Flour Bleached Self-Rising"; "J. Allen Smith Knoxville, Tennessee White Lily Self-Rising Flour \* \* \* Bleached 20 lbs."; or "Spillway Flour Lassen-Jackman Mfg. Co."

On May 18, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1518. Adulteration of rye graham flour. U. S. v. 9 Bags of Rye Graham Flour. Default decree of condemnation and destruction.** (F. D. C. No. 3865. Sample No. 46480-E.)

This product also contained rodent hairs and excreta.

On February 27, 1941, the United States attorney for the Southern District of New York filed a libel against 9 bags of rye graham flour at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6, 1941, by A. Katz from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1519. Adulteration of rye graham flour. U. S. v. 131 Bags and 60 Bags of Rye Graham Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3785, 3808. Sample Nos. 46469-E, 46461-E.)

This product contained rodent hairs and rodent excreta.

On February 10 and 13, 1941, the United States attorney for the Southern District of New York filed libels against 191 bags of rye graham flour at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about December 20, 1940 to on or about January 20, 1941, by Gross Bros., Inc., from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 10 and April 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### CORN MEAL

**1520. Adulteration of corn meal. U. S. v. 110 and 80 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to a county institution for use as feed for livestock.** (F. D. C. No. 2510. Sample Nos. 28705-E, 28706-E.)

This product contained rodent hairs, rodent excreta, and insect fragments.

On August 19, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 110 10-pound bags and 80 25-pound bags of corn meal at Bluefield, W. Va., alleging that the article had been shipped in



interstate commerce on or about June 20, 1940, from Circleville, Ohio, by J. W. Eshelman & Sons; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance or was otherwise unfit for food. The article was labeled in part: "Eshelman Red Rose White Corn Meal."

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a county institution to be denatured and used as hog and stock feed.

**1521. Adulteration of corn meal. U. S. v. 290 and 117 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to a public institution for use as stock and hog feed.** (F. D. C. No. 2515. Sample Nos. 28703-E, 28704-E.)

This product contained rodent hairs, rodent excreta, and insect fragments.

On August 19, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 407 bags of corn meal at Bluefield, W. Va., alleging that the article had been shipped in interstate commerce within the period from on or about June 10 to on or about July 9, 1940, by the Kasco Mills, Inc., from Toledo, Ohio; and charging that it was adulterated in that it contained rodent hairs, rodent excreta, and insect fragments and was otherwise unfit for food. It was labeled in part: "Table Kasco Corn Meal."

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered, and the product was ordered delivered to a public institution to be denatured and disposed of for stock and hog feed.

**1522. Adulteration of corn meal. U. S. v. 188 Packages of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 3051. Sample Nos. 15912-E to 15915-E, incl.)

This product contained rodent excreta and insect fragments.

On September 20, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 188 bags, containing a total of 2,710 pounds, of corn meal at North Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about July 17 and August 12, 1940, by the Staley Milling Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Staley's Old-Fashioned White Cream Corn Meal."

On November 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1523. Adulteration of corn meal. U. S. v. 25 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 2776. Sample No. 39068-E.)

Samples of this product were found to contain rodent hairs and excreta.

On September 9, 1940, the United States attorney for the Eastern District of Illinois filed a libel against 25 bags of corn meal at Cairo, Ill., alleging that the article had been shipped in interstate commerce on or about August 21, 1940, by the Swoboda Wholesale Grocery, or Robert Swoboda, doing business as Swoboda Wholesale Grocery, from Clinton, Ky., to the place of business of the shipper at Cairo, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1524. Misbranding of corn meal. U. S. v. 24 Cases and 21 Cases of Corn Meal. Default decrees of condemnation and destruction.** (F. D. C. Nos. 1198, 1199. Sample Nos. 72910-D, 72921-D, 72922-D.)

This product was short of the declared weight.

On December 16, 1939, the United States attorney for the Northern District of California filed a libel against a total of 45 cases of corn meal at San Francisco, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about July 5 to on or about September 29, 1939, by the Quaker Oats Co. from Salt Lake City, Utah; and charging that it was misbranded. It was labeled in part: (Cartons) "Quaker Best [or "Blue Cross"] Yellow Corn Meal Weight 1 Lb. 8 Oz. Net."

The article was alleged to be misbranded in that the statement "Weight 1 Lb. 8 Oz. Net" was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On March 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## MACARONI PRODUCTS

**1525. Adulteration of macaroni. U. S. v. 74 Cases and 20 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 2340. Sample Nos. 7096-E, 7097-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. When such infestation occurred was not determined.

On July 22, 1940, the United States attorney for the District of Arizona filed a libel, and on October 26, 1940, an amended libel, against 94 cases of macaroni at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about September 28 and October 12, 1939, by the Golden Gate Macaroni Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Blue Diamond Brand Aristocratic Macaroni Products."

On January 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1526. Adulteration and misbranding of macaroni. U. S. v. 24 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 3199. Sample No. 99028-E.)**

Examination of this product showed that it was insect-infested. Moreover, it was short of the declared weight.

On October 15, 1940, the United States attorney for the Northern District of Mississippi filed a libel against 24 cases, each containing 48 boxes, of macaroni at Cleveland, Miss., alleging that the article had been shipped in interstate commerce on or about August 15, 1940, by the National Food Products Co. from New Orleans, La.; and charging that it was adulterated and misbranded. The article was labeled in part: (Boxes) "Budget Brand Macaroni Net 6 Oz."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that the labeling was false and misleading; and in that it did not bear an accurate statement of the quantity of contents.

On January 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1527. Adulteration of macaroni and spaghetti, U. S. v. 4 Cases, 20 Packages, 18 Packages, 3 Cases, 44 Packages, 20 Packages, and 2 Cases of Macaroni and Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 3007. Sample Nos. 32235-E, 32236-E, 32238-E to 32242-E, incl.)**

This product was insect-infested.

On September 23, 1940, the United States attorney for the District of Arizona filed a libel against 9 cases and 102 packages of macaroni and spaghetti at Yuma, Ariz., alleging that the articles had been shipped in interstate commerce within the period from on or about January 6 to on or about August 31, 1940, by the Superior Macaroni Co. from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: (Packages) "Kwik-Kook Delicious Brand Macaroni Products"; or "Kwik Kook Italian Style Superio Brand 100% Semolina Products."

On January 17, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**1528. Adulteration of macaroni products. U. S. v. 5 Cases of Farfalle Semolina, et al. Default decree of condemnation and destruction. (F. D. C. No. 3342. Sample Nos. 32602-E to 32609-E, incl.)**

These products had been shipped in interstate commerce and were in interstate commerce at the time of examination, at which time they were found to be insect-infested.

On November 8, 1940, the United States attorney for the District of Arizona filed a libel against 64 bags of macaroni products at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about May 5 and September 26, 1940, by the Fresno Macaroni Manufacturing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part variously: "Farfalle Semolina," "Triangle Semolina," "Medium Shell Semolina," "Gnocchi Semolina," "Alfabet Semolina," "Star Semolina," "Ditali Semolina," "Perfection Brand Semolina," "Fresmaco Brand Flour," "Cut Spaghetti," or "Elbow Macaroni."

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.



**1529. Misbranding of macaroni and cheese dinner. U. S. v. 24 Cases of Macaroni and Cheese. Default decree of condemnation and destruction. (F. D. C. No. 2779. Sample No. 15320-E.)**

Packages of this product contained macaroni and an envelope containing a mixture of grated cheese and skim milk powder. The capacity of the package was 49.4 cubic inches, but the contents occupied not more than 22.9 cubic inches. Furthermore, the envelopes containing the mixture of grated cheese and skim milk powder did not bear a statement of the quantity of contents.

On September 13, 1940, the United States attorney for the Eastern District of Illinois filed a libel against 24 cases of macaroni and cheese dinner at Carbondale, Ill., consigned by Ravarino & Freschi, Inc., alleging that the article had been shipped in interstate commerce on or about August 20, 1940, from St. Louis, Mo.; and charging that it was misbranded. It was labeled in part: (Package, front panel) "1¼ Oz. Grated American Cheese 6 Oz. Macaroni \* \* \* Puritan Macaroni and Cheese Dinner"; (envelope) "A Special Blend of Fine Cheese."

The article was alleged to be misbranded in that the statements, (package) "1¼ Oz. Grated American Cheese" and (envelope) "A Special Blend of Fine Cheese," were false and misleading as applied to a mixture of cheese and skim milk powder. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and the envelopes of grated cheese and skim milk powder did not bear a statement of the quantity of the contents.

On March 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1530. Misbranding of macaroni. U. S. v. 11 Cases and 27 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 2300. Sample Nos. 10692-E, 10693-E.)**

This product occupied an average of from 70 percent to 75 percent of the capacity of its container.

On June 29, 1940, the United States attorney for the District of Connecticut filed a libel against 38 cases of macaroni at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about June 4 and 11, 1940, by V. La Rosa & Sons, Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Package) "La Rosa Grade A."

On February 21, 1941, La Rosa & Sons, Inc., having withdrawn its answer, judgment of condemnation was entered and the product was ordered destroyed.

**1531. Misbranding of macaroni and spaghetti. U. S. v. 116, 80, 111, and 108 Cases of Macaroni and Spaghetti. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2381. Sample Nos. 5737-E to 5740-E, incl.)**

The cartons containing these products were deceptive, the contents ranging in the various lots, from 47 percent to 65 percent of the capacity of the container. In one lot the weight statement and name and address of the manufacturer were inconspicuously placed on the ends of the package.

On August 6, 1940, the United States attorney for the District of Indiana filed a libel against 415 cases of macaroni and spaghetti at Indianapolis, Ind., alleging that the articles had been shipped in interstate commerce on or about June 6, 1940, by the John B. Canepa Co. from Chicago, Ill.; and charging that they were misbranded. They were labeled in part: "Red Cross 5¢ Elbow Macaroni [or "Spaghetti"]"; or "Red Cross 5¢ Macaroni [or "Spaghetti"]."

The articles were alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading. One lot (elbow spaghetti) was alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor and the statement of the quantity of the contents required to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On December 5, 1940, John B. Canepa Co., having with leave of court withdrawn its claim and answer and no other party having intervened, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.



**1532. Adulteration of egg noodles. U. S. v. 64 Cases and 7 Cases of Egg Noodles. Default decree of condemnation and destruction.** (F. D. C. No. 3177. Sample Nos. 32271-E, 32272-E.)

On October 18, 1940, the United States attorney for the District of Arizona filed a libel against 71 cartons of egg noodles at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about April 25 and September 5, 1940, by the L. A. Pacific Macaroni Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden State Brand Pure Egg Noodles"; or "Italy Brand Pure Quality Egg Noodles."

On January 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1533. Adulteration of egg noodles. U. S. v. 50 Cases of Egg Noodles. Default decree of condemnation and destruction.** (F. D. C. No. 2374. Sample No. 7995-E.)

This product was insect-infested.

On July 22, 1940, the United States attorney for the District of Arizona filed a libel against 50 cases of egg noodles at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about January 3, 1940, by the Skinner Manufacturing Co. from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Packages) "Mrs. Skinner's The Superior Egg Noodles."

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1534. Adulteration of egg noodles. U. S. v. 150 Cases of Egg Noodles. Default decree of condemnation and destruction.** (F. D. C. No. 3111. Sample Nos. 32261-E, 32262-E, 32263-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On October 2, 1940, the United States attorney for the District of Arizona filed a libel against 150 cases of egg noodles at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about November 1, 1939, and July 24, 1940, by the Kentucky Macaroni Co. from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Package) "Del Monico Brand Pure Egg Noodles."

On January 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1535. Adulteration and misbranding of egg noodles. U. S. v. Italian Mercantile Grocery & Manufacturing Co. Plea of nolo contendere. Fine, \$500.** (F. D. C. No. 2894. Sample No. 15579-E.)

This product was deficient in egg solids and was artificially colored.

On December 20, 1940, the United States attorney for the Eastern District of Missouri filed an information against the Italian Mercantile Grocery & Manufacturing Co., a corporation, at St. Louis, Mo., alleging shipment on or about May 27, 1940, from the State of Missouri into the State of Illinois of a quantity of egg noodles that were adulterated. The article was labeled in part: "Italina \* \* \* Pure Egg Noodles."

It was alleged to be adulterated in that a valuable constituent, egg solids, had been in part omitted therefrom; in that a substance deficient in egg solids and containing added artificial color had been substituted in whole and in part for pure egg noodles; and in that added artificial color had been mixed or packed with it so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statement "Pure Egg Noodles," appearing on the label, was false and misleading since it did not consist of pure egg noodles but consisted of a substance deficient in egg solids and containing added artificial color. It was alleged to be misbranded further in that it contained artificial coloring and did not bear labeling stating that fact; and in that it was an imitation of another food, namely, pure egg noodles.

On May 8, 1941, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$500.



## MISCELLANEOUS

**1536. Adulteration of Cream of Maize. U. S. v. 13 Bags of Corn Flakes. Default decree of condemnation and destruction. (F. D. C. No. 3783. Sample No. 39598-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain insects and insect fragments.

On February 8, 1941, the United States attorney for the Western District of Kentucky filed a libel against 13 bags of Cream of Maize at Paducah, Ky., alleging that the article had been shipped in interstate commerce on or about November 20, 1940, by the Decatur Milling Co. from Decatur, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Hexagon Brand Cream of Maize Confectioner's Corn Flakes."

On April 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1537. Adulteration of Dina-Mite cereal. U. S. v. 33 and 32 Cases of Dina-Mite. Default decree of condemnation and destruction. (F. D. C. No. 3094. Sample Nos. 32259-E, 32260-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On September 27, 1940, the United States attorney for the District of Arizona filed a libel against 65 cases of cereal at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about September 13 and 18, 1939, by the Dina-Mite Food Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Quick Cooking Dina-Mite a Delicious Blending of Wheat [or "Oats"] Bran, Flax."

On January 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1538. Misbranding of pretzel sticks. U. S. v. 12 Cases of Pretzel Sticks. Default decree of condemnation and destruction. (F. D. C. No. 2551. Sample No. 24247-E.)**

The packages each contained a wax paper bag filled with pretzel sticks. The product occupied on an average only about 62 percent of the capacity of the package.

On August 14, 1940, the United States attorney for the District of New Jersey filed a libel against 12 cases of pretzel sticks at Collingswood, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about July 8 to on or about July 17, 1940, by the Union Premier Stores, Inc., from Philadelphia, Pa.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Package) "Fyne Taste Pretzel Sticks \* \* \* Distributed by Food Fair Inc. of Penna. Philadelphia."

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FEED

**1539. Misbranding of cottonseed cake and meal. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$50. (F. D. C. No. 2954. Sample No. 18489-E.)**

This product contained less protein than was declared on its label.

On March 20, 1941, the United States attorney for the Western District of Oklahoma filed an information against the Southland Cotton Oil Co., a corporation, Oklahoma City, Okla., alleging shipment on or about September 17, 1940, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed cake and meal that was misbranded. The article was labeled in part: (Tag) "Southland's Cottonseed Cake and Meal."

It was alleged to be misbranded in that the statement "Crude Protein not less than 43%," appearing on the tag, was false and misleading since it contained not more than 40.75 percent of crude protein.

On March 25, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.



**1540. Misbranding of cottonseed meal. U. S. v. Temple Cotton Oil Co. Plea of guilty. Fine, \$250. (F. D. C. No. 2084. Sample No. 6011-D.)**

This product contained smaller proportions of protein and fat and a larger proportion of fiber than were declared in the labeling.

On June 26, 1940, the United States attorney for the Eastern District of Arkansas filed an information against the Temple Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment on or about December 6, 1939, from the State of Arkansas into the State of Kansas of a quantity of cottonseed meal that was misbranded. The article was labeled in part: (Tag) "Quanah Brand."

It was alleged to be misbranded in that the statements, "41% Protein Cottonseed Meal \* \* \* Guaranteed Analysis Protein 41.00% Fat 6.00% \* \* \* Fiber, not more than 12.00%," borne on the tag, were false and misleading since it contained not more than 38.25 percent of protein, not more than 5.91 percent of fat, and not less than 14.04 percent of fiber.

On April 14, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250.

**1541. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. The Crete Mills. Plea of guilty. Fine, \$50. (F. D. C. No. 2835. Sample No. 18486-E.)**

Brown wheat shorts and screenings had been substituted in whole or in part for this product, and it also contained fiber in excess of the amount declared.

On September 28, 1940, the United States attorney for the District of Nebraska filed an information against the Crete Mills, a corporation at Crete, Nebr., alleging shipment on or about February 27, 1940, from the State of Nebraska into the State of Kansas of a quantity of wheat gray shorts and screenings that were adulterated and misbranded.

The article was alleged to be adulterated in that brown wheat shorts and screenings had been substituted in whole or in part for gray wheat shorts and screenings, which it purported to be.

It was alleged to be misbranded in that the statements "Gray Wheat Shorts with Screenings \* \* \* Fiber 6.00% \* \* \* Ingredients: Gray Wheat Shorts, Wheat Screenings," borne on the tags attached to the sacks containing the article, were false and misleading since they represented that it consisted of gray wheat shorts and screenings and contained 6 percent of fiber; whereas it consisted of brown wheat shorts and screenings, and contained not less than 6.87 percent of fiber.

On May 3, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

## DAIRY PRODUCTS

### BUTTER

Nos. 1542 to 1549, inclusive, and No. 1559 report the institution of criminal proceedings and the judgment entered in actions based on shipments of butter which contained less than 80 percent by weight of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

**1542. Adulteration of butter. U. S. v. Alfred Anderson (Anderson Creamery Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 2863. Sample Nos. 14714-E, 14719-E.)**

On March 4, 1941, the United States attorney for the District of Minnesota filed an information against Alfred Anderson, trading as the Anderson Creamery Co. at Litchfield, Minn., alleging shipment on or about May 7 and 14, 1940, from the State of Minnesota into the State of Pennsylvania of quantities of butter that was adulterated. The article was labeled in part: "Butter Distributed by C. G. Heyd and Co. Phila. Pa."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 4, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$100.



**1543. Adulteration and misbranding of butter. U. S. v. Armour & Co. Plea of guilty. Fine, \$200. (F. D. C. No. 2929. Sample Nos. 6902-E, 6930-E, 6931-E.)**

This product contained less than 80 percent of milk fat. A portion also was short of the declared weight.

On March 4, 1941, the United States attorney for the Northern District of Texas filed a libel against Armour & Co., having a place of business at Lubbock, Tex., alleging shipment by said defendant on or about July 11 and August 8, 1940, from the State of Texas into the State of New Mexico, of quantities of butter that was adulterated and a portion of which was also misbranded. The article was labeled in part: (Wrapper) "One Pound Net Armour's Cloverbloom \* \* \* Butter Armour Creameries Distributors."

All shipments of the article were alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

A portion of the article was alleged to be misbranded in that the statement "One Pound Net," appearing on the wrappers, was false and misleading since each of the wrappers did not contain 1 pound net of butter but did contain a smaller amount; and in that it was in package form and its label did not bear an accurate statement of the quantity of contents in terms of weight.

On May 29, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$200.

**1544. Adulteration of butter. U. S. v. The Ashley Creamery. Plea of guilty. Fine, \$30. (F. D. C. No. 2902. Sample Nos. 33308-E, 34151-E, 34165-E.)**

On February 18, 1941, the United States attorney for the District of North Dakota filed an information against the Ashley Creamery, a corporation, Ashley, N. Dak., alleging shipment within the period from on or about May 31 to on or about September 21, 1940, from the State of North Dakota into the State of New York of quantities of butter which was adulterated. The article was labeled in part: "Creamery Butter Distributed by Zimmer and Dunkak, Inc."

It was alleged to be adulterated in that a valuable constituent, namely, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$30.

**1545. Adulteration of butter. U. S. v. Lester R. Rolison (Beardsley Creamery). Plea of guilty. Fine, \$20. (F. D. C. No. 2913. Sample Nos. 33349-E, 33360-E.)**

On May 27, 1941, the United States attorney for the District of Minnesota filed an information against Lester R. Rolison, trading as the Beardsley Creamery at Beardsley, Minn., alleging shipment on or about August 19 and 26, 1940, from the State of Minnesota into the State of New York of quantities of butter that was adulterated. The article was labeled in part: "Butter Distributed by S. & W. Waldbaum Inc. \* \* \* New York."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 27, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$20.

**1546. Adulteration of butter. U. S. v. Albert C. Hepworth (Boundary Creamery). Plea of guilty. Fine, \$30. (F. D. C. No. 2860. Sample Nos. 13923-E, 13924-E.)**

On November 18, 1940, the United States attorney for the District of Idaho filed an information against Albert C. Hepworth, trading as Boundary Creamery at Bonners Ferry, Idaho, alleging shipment on or about April 1 and 8, 1940, from the State of Idaho into the State of Washington of quantities of butter that was adulterated. The article was labeled in part: "Butter J. S. Griffiths Co. Seattle, Wn."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 26, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$30.



**1547. Adulteration of butter. U. S. v. Hjalmer Elmer Ahlstrand (Farmers Creamery). Plea of guilty. Fine, \$50. (F. D. C. No. 2892. Sample Nos. 10969-E, 33245-E.)**

On May 12, 1941, the United States attorney for the District of Minnesota filed an information against Hjalmer Elmer Ahlstrand, trading as Farmers Creamery at St. Cloud, Minn., alleging shipment on or about May 7 and 15, 1940, from the State of Minnesota into the State of New York of quantities of butter that was adulterated. The article was labeled in part: "Butter Distributed by Hunter, Walton & Co. \* \* \* New York, N. Y."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 12, 1941, the defendant entered a plea of guilty and on June 9, 1941, the court imposed a fine of \$50.

**1548. Adulteration of butter. U. S. v. Frank Pilley & Sons, Inc. (Lyon County Creamery). Plea of guilty. Fine, \$30. (F. D. C. No. 2900. Sample No. 30558-E.)**

On June 10, 1941, the United States attorney for the District of Minnesota filed an information against Frank Pilley & Sons, Inc., a corporation, Tracy, Minn., trading under the name of Lyon County Creamery, alleging shipment by said defendant on or about August 5, 1940, from the State of Minnesota into the State of Illinois, of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product that contained less than 80 percent by weight of milk fat had been substituted for butter.

On June 11, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$30.

**1549. Adulteration of butter. U. S. v. John J. Fernholz (Napoleon Creamery). Plea of guilty. Fine, \$10. (F. D. C. No. 2901. Sample No. 33307-E.)**

On January 11, 1941, the United States attorney for the District of North Dakota filed an information against John J. Fernholz, trading as Napoleon Creamery at Napoleon, N. Dak., alleging shipment on or about May 31, 1940, from the State of North Dakota into the State of New York of a quantity of butter that was adulterated. The article was labeled in part: "Creamery Butter Distributed by Zimmer & Dunkak, Inc., New York, N. Y."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 8, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$10.

Nos. 1550 to 1553, inclusive, report the seizure and disposition of butter that was deficient in milk fat.

**1550. Adulteration and misbranding of butter. U. S. v. 75 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2191. Sample No. 21014-E.)**

On May 23, 1940, the United States attorney for the Territory of Hawaii filed a libel against 75 cases of butter at Honolulu, Territory of Hawaii, consigned by Armour & Co., alleging that the article had been shipped in interstate commerce or on about May 17, 1940, from San Francisco, Calif.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Armour's Star Quality Cloverbloom Butter," borne on the label, was false and misleading.

On May 23, 1940, Armour & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked and disposed of under the supervision of the Food and Drug Administration.

**1551. Adulteration and misbranding of butter. U. S. v. Butter in Rolls, Cartons, and Tubs. Decrees of condemnation. Portion of product ordered released under bond to be reworked; remainder ordered delivered to charitable institutions. (F. D. C. Nos. 3325, 3439. Sample Nos. 24525-E, 24526-E, 24527-E, 24533-E.)**

On October 25 and November 2, 1940, the United States attorney for the Middle District of Pennsylvania filed libels against 45 cases, each containing 32 pound



rolls, 57 cases, each containing 32 pound cartons, and 11 tubs, each containing 63 pounds of butter, at Nanticoke, Pa.; and 35 cases, each containing 32 pounds of butter, at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about October 15 and 21, 1940, by Armour Creameries from Mitchell, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Armour's Clover Bloom Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent by weight of milk fat.

On October 31, 1940, and July 8, 1941, Armour & Co., claimant, having admitted the allegations of the libel filed on October 25, 1940, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked to comply with the law. On July 8, 1941, no claimant having appeared for the product seized at Scranton, it was ordered delivered to a local charitable institution for its own use but not for sale.

**1552. Adulteration and misbranding of butter. U. S. v. 11 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3850. Sample No. 55955-E.)**

On February 11, 1941, the United States attorney for the Western District of Washington filed a libel against 11 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 7, 1941, by the Sandpoint Creamery Co. from Sandpoint, Idaho; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter Puget Sound Butter & Egg Co. Seattle, Wash."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On February 20, 1941, the Sandpoint Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned in substance that it be reworked so that it contain 80 percent of milk fat.

**1553. Adulteration of butter. U. S. v. 27 $\frac{1}{2}$  Cases of Butter. Consent decree of condemnation. Product released under bond to be rechurned. (F. D. C. No. 3174. Sample No. 16172-E.)**

On September 26, 1940, the United States attorney for the District of Kansas filed a libel against 27 $\frac{1}{2}$  cases, each containing 30 pounds, of butter at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about September 18, 1940, by the Emma Creamery Co. from Emma, Mo.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part extracted therefrom, and in that an article or substance containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On October 5, 1940, Talbot, Woods & Co., Kansas City, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**1554. Adulteration of butter. U. S. v. 14 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 4413. Sample No. 50671-E.)**

This product contained mold.

On April 3, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 14 cases of butter at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about March 22, 1941, by the Beatrice Creamery Co. from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a decomposed animal substance. It was labeled in part: "Cloverhill Butter."

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1555. Adulteration of butter. U. S. v. 128 Pounds of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 3076. Sample No. 27334-E.)

This product contained mold.

On or about September 4, 1940, the United States attorney for the Eastern District of Tennessee filed a libel against 128 pounds of butter at Johnson City, Tenn., alleging that the article had been shipped in interstate commerce on or about August 19, 1940, by the Southern Maid Dairies, Inc., from Bristol, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food. The article was labeled in part: "Southern Maid Creamery Butter."

On or about December 14, 1940, no defense having been made to the action, judgment of condemnation was entered and the product was ordered destroyed.

**1556. Misbranding of butter. U. S. v. 150 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for repacking.** (F. D. C. No. 2722. Sample No. 21132-E.)

This product was short of the declared weight.

On August 9, 1940, the United States attorney for the Territory of Hawaii filed a libel against 150 cases of butter at Honolulu, T. H., consigned by American Factors, Ltd., alleging that the article had been shipped in interstate commerce on or about August 2, 1940, from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Carton) "Diamond Head Brand Butter."

The article was alleged to be misbranded in that the carton bore the statement "Net Weight 1 lb.," which statement was false and misleading for the reason that the weight of the contents of the carton was less than 1 pound net. It was alleged to be misbranded further in that it was in package form and the package did not bear an accurate statement of the quantity of the contents.

On August 15, 1940, American Factors, Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond for repacking to the labeled weight.

**1557. Misbranding of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation. Product ordered delivered to a Federal institution.** (F. D. C. No. 4220. Sample No. 60059-E.)

This product was short of the declared weight.

On March 14, 1941, the United States attorney for the Western District of Washington filed a libel against 6 boxes of butter at Raymond, Wash., alleging that the article had been shipped in interstate commerce on or about March 11, 1941, by Swift & Co. from Portland, Oreg.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement "Goldcrest Creamery Butter One Pound Net Weight," was false and misleading since the prints contained less than 1 pound net weight of butter. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents in terms of weight.

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal penal institution.

#### CHEESE

**1558. Misbranding of grated cheese. U. S. v. 34 Cases and 24 Cases of Grated Cheese. Default decree of condemnation. Product delivered to a Federal institution.** (F. D. C. No. 2407. Sample Nos. 4048-E, 4049-E.)

This Italian style cheese occupied only about 74 percent of the capacity of its containers and the American cheese occupied only about 53 percent of the capacity of its containers.

On July 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 58 cases of grated cheese at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about April 26 and June 20, 1940, by the Emm-An-Cee Co. from Chicago, Ill.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Box) "M&C

\* \* \* Italian Style Grated Cheese"; or "Grated American Whole Milk Cheese."



On September 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution.

### EGGS

**1559. Adulteration of shell eggs; adulteration and misbranding of butter. U. S. v. Roy Furr, Clem Boverie, Crone W. Furr, and Key Furr (Furr Food Stores). Pleas of guilty. Fine of \$12.50 imposed against each defendant. (F. D. C. No. 2914. Sample Nos. 70510-D, 6585-E.)**

These eggs were in part decomposed and the butter was deficient in milk fat and short of the declared weight.

On March 4, 1941, the United States attorney for the Northern District of Texas filed an information against Roy Furr, Clem Boverie, Crone W. Furr, and Key Furr, trading as Furr Food Stores at Lubbock, Tex., alleging that the defendants shipped on or about February 20, 1940, from the State of Texas into the State of New Mexico a quantity of butter that was adulterated and misbranded and also shipped on or about July 16, 1940, from the State of Texas into the State of New Mexico a quantity of shell eggs that were adulterated. The butter was labeled in part: (Wrapper) "1 Lb. Net Weight Country Roll Fresh Creamery Butter."

The shell eggs were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance.

The butter was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement appearing on the wrappers, "1 Lb. Net Weight," was false and misleading since the rolls weighed less than 1 pound net; and in that it was in package form and did not bear on its label an accurate statement of the quantity of the contents in terms of weight.

On March 7, 1941, pleas of guilty having been entered, the court imposed a fine of \$12.50 against each defendant.

**1560. Adulteration and misbranding of eggs. U. S. v. 2 Cases and 6 Cases of Eggs. Decree of condemnation. Product released under bond for recandling, repacking, and relabeling. (F. D. C. Nos. 3565, 3566. Sample Nos. 44525-E, 44529-E.)**

These eggs, which were offered for sale as fresh eggs, were oil-treated cold storage eggs.

On December 21, 1940, the United States attorney for the District of New Mexico filed libels against 2 cases, each containing 30 dozen eggs, at Albuquerque, N. Mex., and 6 cases, each containing 30 cartons, of eggs at Santa Fe, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 28 and December 2 and 6, 1940, by the Rhodes Ranch Egg Co. from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "Rhodes Nu Lade Eggs"; or "Rhodes \* \* \* Quality Seeled Fresh Eggs."

The article was alleged to be adulterated in that cold storage eggs had been substituted for fresh eggs, which it purported to be.

A portion of the article was alleged to be misbranded in that the statement "Nu Lade Eggs" was false and misleading as applied to cold storage eggs. The remainder was alleged to be misbranded in that the statement "Seeled Fresh Eggs" was false and misleading since it implied that the article was fresh eggs.

On January 15, 1941, the Rhodes Ranch Egg Co. having appeared as claimant for the product, judgment of condemnation was entered and the product was ordered released under bond for recandling and repacking in properly labeled cases under the supervision of the Food and Drug Administration.

**1561. Adulteration of frozen whole eggs. U. S. v. Rothenberg & Schneider Bros., Inc., and Herman Rothenberg and Solomon Schneider. Pleas of guilty. Fines, \$400 and costs. (F. D. C. No. 2976. Sample No. 8949-E.)**

This product consisted in part of sour, putrid, and musty eggs.

On April 29, 1941, the United States attorney for the Northern District of Illinois filed an information against Rothenberg & Schneider Bros., Inc., Chicago, Ill., and Herman Rothenberg and Solomon Schneider, alleging shipment on or about October 19, 1940, from the State of Illinois into the State of Minnesota of a quantity of frozen whole eggs that were adulterated in that they consisted in whole or in part of decomposed and putrid substances. The article was labeled in part: "Whole Eggs \* \* \* R & S Brand."



On June 2, 1941, pleas of guilty having been entered, the court imposed a fine of \$200 against the corporation and \$100 against each of the individual defendants. Costs also were imposed.

**1562. Adulteration and misbranding of frozen whole eggs. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 2977. Sample Nos. 9849-E, 9855-E, 9860-E.)**

Analysis showed that this product was a mixture of whole eggs and egg whites.

On May 21, 1941, the United States attorney for the Southern District of Texas filed an information against Swift & Co., a corporation having a place of business at Houston, Tex., alleging shipment on or about July 15, 1940, from the State of Texas into the State of Illinois of a quantity of whole eggs that were adulterated and misbranded.

The article was alleged to be adulterated in that a mixture of whole eggs and egg whites had been substituted wholly or in part for whole eggs, which it purported to be.

It was alleged to be misbranded in that it purported to be or was represented as frozen whole eggs, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but did not conform to such definition and standard of identity in that the regulations prescribe that frozen whole eggs are the food prepared by freezing liquid eggs and that liquid eggs are eggs of the domestic hen broken from the shells and with yolks and whites in their natural proportion as so broken; whereas the article had not been prepared as required by said regulations but had been prepared by freezing a mixture of liquid eggs and added egg whites.

On June 25, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200.

**1563. Adulteration of frozen eggs. U. S. v. Wilson & Co., Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 2949. Sample No. 349-E.)**

This product was in whole or in part decomposed.

On March 11, 1941, the United States attorney for the Northern District of Illinois filed an information against Wilson & Co., Inc., Chicago, Ill., alleging shipment on or about February 27, 1940, from the State of Illinois into the State of North Carolina of a quantity of frozen eggs that were adulterated in that they consisted in whole or in part of a putrid or decomposed substance or were otherwise unfit for food.

On June 13, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**1564. Adulteration of frozen whole eggs. U. S. v. 1,000 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for salvaging fit portion. (F. D. C. No. 3363. Sample No. 8947-E.)**

Examination showed the presence of decomposed eggs in this shipment.

On November 11, 1940, the United States attorney for the District of Minnesota filed a libel against 1,000 cans of frozen whole eggs at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about August 7, 1940, by the Fargo Creamery & Produce Co. from Fargo, N. Dak.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On December 16, 1940, the DeSoto Creamery & Produce Co., of Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that only the fit portion be disposed of for human consumption.

**1565. Adulteration of frozen eggs. U. S. v. 200 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 4738. Sample No. 53317-E.)**

Examination of this product showed the presence of decomposed eggs.

On May 8, 1941, the United States attorney for the Southern District of California filed a libel against 200 cans of frozen eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 8, 1941, by the Idaho Egg Producers from Caldwell, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Idaho Best Frozen Egg Meats."

On May 26, 1941, R. E. Bivens, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemna-



tion was entered, and the product was ordered released under bond conditioned that it be made to conform to the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

**1566. Adulteration and misbranding of frozen whole eggs. U. S. v. 90 Cans of Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 3223. Sample Nos. 9849-E, 9855-E, 9860-E.)**

This product contained egg white in excess of the amount that should be present in whole eggs.

On October 15, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 90 cans, each containing 30 pounds, of whole eggs at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 15, 1940, by Swift & Co. from Houston, Tex.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a mixture of whole eggs and egg white had been substituted wholly or in part for whole eggs, which it purported to be. It was alleged to be misbranded in that it purported to be and was represented as whole eggs, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard.

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1567. Adulteration of frozen eggs. U. S. v. 9 Cans of Frozen Eggs. Default decree of condemnation and destruction. (F. D. C. No. 4018. Sample No. 46278-E.)**

Examination of this product showed the presence of decomposed eggs.

On March 19, 1941, the United States attorney for the District of New Jersey filed a libel against 9 cans of frozen eggs at Jersey City, N. J., alleging that the article had been shipped on or about March 3, 1941, by Wilson & Co. from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Whole Eggs Net Weight 30 Lbs."

On May 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1568. Adulteration of frozen egg whites. U. S. v. 34 Cans of Frozen Egg Whites. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 3461. Sample No. 32472-E.)**

This product was in part decomposed.

On December 2, 1940, the United States attorney for the Southern District of California filed a libel against 34 cans of frozen egg whites at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 15, 1940, by the Lubbock Poultry and Egg Division of Wilson & Co. from Lubbock, Tex.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance.

On December 16, 1940, Wilson & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it should not be sold or disposed of contrary to law.

## FISHERIES PRODUCTS

### CANNED FISH

**1569. Adulteration of mackerel. U. S. v. California Marine Curing & Packing Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 2128. Sample Nos. 58301-D, 58308-D, 58310-D, 66242-D, 82516-D.)**

This product was in whole or in part decomposed.

On January 17, 1941, the United States attorney for the Southern District of California filed an information against the California Marine Curing & Packing Co., a corporation, Terminal Island, Calif., alleging introduction and delivery for introduction in interstate commerce, within the period from on or about October 14 to on or about October 17, 1939, from the State of California into the States of South Carolina, Georgia, Florida, and North Carolina of a quantity of canned mackerel that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Calho Brand California Mackerel \* \* \* Hamilton & Company, Los Angeles California Distributors," or "Dixiland Brand \* \* \* Mackerel \* \* \* San Carlos Canning Co. Monterey and Long Beach Calif."



On February 24, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on the first count and suspended sentence on the remaining three counts.

**1570. Adulteration of canned salmon. U. S. v. 780 Cartons of Canned Salmon. Consent decree of condemnation. Product ordered released under bond for destruction of unfit portion. (F. D. C. No. 3449. Sample No. 40098-E.)**

Examination of this product showed the presence of decomposed fish.

On December 2, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 780 cartons, each containing 48 cans, of salmon at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 9, 1940, by the J. H. Whitney Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Norco Brand Pink Salmon Contents One Pound Distributed by Pacific Salmon Sales."

On January 27, 1941, North Pacific Sea Foods Co. having appeared as claimant for the property, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the good portion be separated from the unfit portion and that the latter be destroyed.

**1571. Adulteration and misbranding of canned tuna. U. S. v. 10 Cases and 10 Cases of Canned Tuna. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. Nos. 3185, 3186. Sample Nos. 34488-E, 34489-E.)**

This product was yellow-fin tuna or some similar species of tuna and was not albacore, or white meat tuna as labeled at the time of examination. It had been shipped in interstate commerce and when so shipped was labeled in part "Fancy Tuna Fish." These labels had been removed and labels had been affixed to the cans reading in part "Martel Brand \* \* \* White Meat Fancy DeLuxe Tuna Fish Albacore \* \* \* Adolph Goldmark & Sons Corp. Distributors."

On or about October 15, 1940, the United States attorney for the Southern District of New York filed libels against 10 cases, each containing 48 cans, of tuna at Yonkers, N. Y., and 10 cases, each containing 48 cans, of the same product at Mount Vernon, N. Y., alleging that the article had been shipped on or about February 7, 1940, from Tawan, British North Borneo, and imported by A. H. Hansen; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that light meat tuna had been substituted wholly or in part for white meat tuna or albacore, which it purported to be.

It was alleged to be misbranded in that the statement "White Meat Fancy De Luxe Tuna Fish \* \* \* Albacore" was false and misleading since it was not albacore or white meat tuna; and in that it was offered for sale under the name of another food.

On November 25, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a local hospital for consumption but not for sale.

**1572. Misbranding of canned tuna. U. S. v. 500 Cases of Tuna. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 3172. Sample No. 34481-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found that the labels which had been on the cans at the time of shipment had been removed.

On October 11, 1940, the United States attorney for the Eastern District of New York filed a libel against 500 cases, each containing 48 cans, of tuna at Brooklyn, N. Y., alleging that the article had been shipped on or about August 17, 1939, from Zamboanga, P. I., by Sea Foods Corporation; and charging that it was misbranded.

The article was alleged to be misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; in that it was in package form and failed to bear an accurate statement of the quantity of contents; and in that its label failed to bear the common or usual name of the food contained in the cans.

On October 28, 1940, the Sweet Life Food Corporation, Brooklyn, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled in compliance with the law under the supervision of the Food and Drug Administration.



**1573. Adulteration and misbranding of tuna fish. U. S. v. 9 Cases of Tuna Fish. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3184. Sample No. 34485-E.)**

This product when shipped was labeled "Fancy Tuna Fish \* \* \* Product of British North Borneo," and at the time of examination was labeled "Martel Brand \* \* \* White Meat Fancy Deluxe Tuna Fish \* \* \* Albacore." It was yellow-fin or some similar species of tuna, and not albacore or white meat tuna.

On October 11, 1940, the United States attorney for the Southern District of New York filed a libel against 9 cases of tuna fish at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 7, 1940, from Tawan, British North Borneo; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that light meat tuna had been substituted wholly or in part for white meat tuna or albacore, which it purported to be.

It was alleged to be misbranded in that the statement "White Meat Fancy Deluxe Tuna Fish \* \* \* Albacore" was false and misleading since the article was not white meat tuna or albacore, and in that it was offered for sale under the name of another food.

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

#### FROZEN FISH

**1574. Misbranding of frozen fish. U. S. v. Lakeside Fish & Oyster Co. Plea of guilty. Fine, \$100. (F. D. C. No. 2119. Sample No. 16440-E.)**

This product was pollock and not haddock fillets as represented on the label.

On November 6, 1940, the United States attorney for the Northern District of Illinois filed an information against the Lakeside Fish & Oyster Co., a corporation, Chicago, Ill., alleging shipment on or about April 16, 1940, from the State of Illinois into the State of Nebraska of a quantity of frozen fish that was misbranded. The article was labeled in part: "Had Filets" or "Had fillets."

The article was alleged to be misbranded in that the statements "Had Filets" and "Had Fillets," borne on the tags, were false and misleading in that they represented that it consisted of haddock fillets; whereas it consisted of pollock fillets.

It was alleged to be misbranded further in that it was pollock, and was offered for sale under the name of another food, namely, haddock.

On April 9, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

**1575. Adulteration of frozen haddock. U. S. v. 13 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3413. Sample No. 34583-E.)**

Examination of this product showed the presence of decomposed fish.

On or about November 22, 1940, the United States attorney for the Southern District of New York filed a libel against 13 boxes of haddock fillets at New York, N. Y., alleging that the article had been shipped by Coleman Son Co. from Boston, Mass., on or about November 8, 1940; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Northeast Brand Haddock Fillets."

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1576. Adulteration of frozen haddock fillets. U. S. v. 300 Cases and 401 Cases of Frozen Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 2305. Sample No. 4651-E.)**

This product was in whole or in part decomposed.

On July 5, 1940, the United States attorney for the Western District of Michigan filed a libel against 701 cases of frozen haddock fillets at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce on or about June 17, 1940, by the Great Atlantic & Pacific Tea Co., from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

The article was labeled in part: "Produced by Gloucester Fresh Fish Co., Frosted Seafoods, Boston, Mass., Northeast Hadd Fillets."

On August 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1577. Adulteration of haddock fillets. U. S. v. 140 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3361. Sample No. 31868-E.)**

This product was in whole or in part decomposed.

On November 22, 1940, the United States attorney for the Northern District of Illinois filed a libel against 140 boxes of haddock fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 10, 1940, by the Genoa Fisheries from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1578. Adulteration of perch fillets. U. S. v. 800 and 120 Boxes of Perch Fillets. Decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. D. C. No. 2737. Sample Nos. 24475-E, 24476-E.)**

On September 3, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 920 boxes of perch fillets at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 26, 1940, by the Cape Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sea Perch Fillets"; or "North East Perch Fillets Produced by Gloucester Fresh Fish Company Boston Mass."

On September 23, 1940, O'Hara Bros., Boston, Mass., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. All unfit fish were segregated and destroyed.

**1579. Adulteration of ocean perch. U. S. v. 700 Boxes of Ocean Perch. Consent decree of condemnation. Product ordered released under bond for elimination of the unfit portion. (F. D. C. No. 3305. Sample No. 31853-E.)**

This product was in part decomposed.

On November 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 700 boxes of frozen ocean perch at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1940, by Forty-Fathom Fish, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Fresh Ocean Perch Frosted Packed by Gorton-Pew Fisheries Co. Ltd. Gloucester Mass."

On January 6, 1941, the Gorton-Pew Fisheries Co., Ltd., Gloucester, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be separated from the bad and that the wholesome portion alone be disposed of for human consumption.

**1580. Adulteration of fish. U. S. v. 338 Boxes of Perch Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3043. Sample Nos. 9853-E, 9854-E.)**

This product was in whole or in part decomposed.

On September 20, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 338 boxes of perch fillets at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 26, 1940, by the New England Fillet Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Ocean Perch Fillets Packed by Gloucester Seafoods Corp., Gloucester, Mass."

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1581. Adulteration and misbranding of cod fillets. U. S. v. 11 Tins of Cod Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3848. Sample No. 51015-E.)**

This product was offered for sale as cod fillets, but examination showed that it was cusk.

On or about February 21, 1941, the United States attorney for the District of Connecticut filed a libel against 11 tins, each containing 30 pounds, of cod fillets at Hartford, Conn., alleging that the article had been shipped in inter-



state commerce on or about February 11, 1941, by Rush Fish Co. from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: "Sprayblown Fresh Cod Fillets Tenderloins of the Sea."

It was alleged to be adulterated in that a substance, cusk, had been substituted wholly or in part for cod, which it purported to be. It was alleged to be misbranded in that the statement "Cod Fillets" was false and misleading, since it was incorrect; and in that it was offered for sale under the name of another food.

On April 7, 1941, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

**1582. Adulteration of frozen whiting. U. S. v. 825 Boxes and 75 Boxes of Whiting. Default decrees of condemnation and destruction. (F. D. C. Nos. 3327, 3348. Sample Nos. 27474-E, 31864-E.)**

Examination of this product showed the presence of decomposed fish.

On October 31 and November 15, 1940, the United States attorneys for the Southern District of Ohio and the Northern District of Illinois filed libels against 825 boxes of butterfly whiting at Cincinnati and Norwood, Ohio, and 75 boxes of H. and G. whiting at Chicago, Ill., alleging that the articles had been shipped on or about September 23 and 29, 1940, by Gloucester Seafoods Corporation from Gloucester, Mass.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances.

On December 10, 1940, and January 28, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**1583. Adulteration of frozen salmon. U. S. v. 200,000 Pounds of Frozen Salmon. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 3483. Sample No. 55208-E.)**

This product was in part putrid and decomposed.

On December 6, 1940, the United States attorney for the Western District of Washington filed a libel against 200,000 pounds of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about September 10 to on or about September 12, 1940, by the Portland Fish Co. from Celilo, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a putrid or decomposed substance.

On December 9, 1940, the Washington Fish & Oyster Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the portion fit for human consumption be segregated from the unfit and that both be disposed of in compliance with the law.

#### SHELLFISH

**1584. Adulteration of crab meat. U. S. v. Ray M. Canaan (Ray Canaan Co.). Plea of guilty. Fine, \$10 and 60 days in jail. Sentence suspended and defendant placed on probation for 12 months. (F. D. C. No. 2124. Sample Nos. 9570-E, 9571-E.)**

This product contained evidence of the presence of filth.

On February 4, 1941, the United States attorney for the Southern District of Mississippi filed an information against Ray M. Canaan, trading as Ray Canaan Co. at Biloxi, Miss., alleging shipment on or about May 21, 1940, from the State of Mississippi into the State of Maryland of quantities of crab meat that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On February 17, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$10 and a sentence of 60 days, but suspended both and placed the defendant on probation for 12 months.

**1585. Adulteration of crab meat. U. S. v. Steve Pavich (East End Fish & Oyster Co.). Plea of guilty. Sentence of \$10 fine and 60 days in jail. Both suspended and defendant placed on probation for 12 months. (F. D. C. No. 2859. Sample No. 9982-E.)**

This product contained evidence of the presence of filth.

On February 4, 1941, the United States attorney for the Southern District of Mississippi filed an information against Steve Pavich, trading as the East End



Fish & Oyster Co. at Biloxi, Miss., alleging shipment on or about June 10, 1940, from the State of Mississippi into the State of Maryland of a quantity of crab meat that was adulterated in that it consisted in whole and in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 17, 1941, a plea of guilty having been entered, the court imposed a fine of \$10 and sentenced the defendant to 60 days in jail. Both fine and imprisonment were suspended and the defendant was placed on probation for 12 months.

**1586. Adulteration and misbranding of shrimp and crab meat cocktails. U. S. v. 12 Cases of Shrimp Cocktail and 15 Cases of Crab Meat Cocktail. Default decree of condemnation and destruction. (F. D. C. No. 3488. Sample Nos. 52434-E to 52437-E, incl.)**

These products had been shipped in interstate commerce and were in interstate commerce at the time of examination at which time both were found to be off color, the shrimp being greenish brown and the crab meat dark brown. Both were also short of the declared weight.

On or about December 30, 1940, the United States attorney for the District of Montana filed a libel against 12 cases of shrimp cocktail and 15 cases of crab meat cocktail at Missoula, Mont., alleging that the articles had been shipped in interstate commerce on or about November 13 and December 7, 1937, by the Commodore Seafoods Co. from Olympia, Wash.; and charging that they were adulterated and misbranded. The articles were labeled in part: "Commodore Individual Shrimp Cocktail [or "Crab meat Cocktail"]."

The articles were alleged to be adulterated in that they were unfit for food.

They were alleged to be misbranded in that the statement "3 Fluid Oz. or More," appearing on the jars, was false and misleading, since it was incorrect; and in that they were in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

Nos. 1587 to 1598, inclusive, report the seizure and disposition of frozen shrimp which was in whole or in part decomposed.

**1587. Adulteration of frozen shrimp. U. S. v. 214 Bags and 112 Bags of Frozen Shrimp. Default decree of condemnation and destruction. F. D. C. Nos. 3741, 3786. Sample Nos. 34257-E, 34258-E.)**

On February 4 and 10, 1941, the United States attorney for the Southern District of New York filed libels against 326 bags of shrimp at New York, N. Y., alleging that the article had been shipped on or about August 27 and September 7, 1940, by Louis G. Ambos from Thunderbolt, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 19 and March 10, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1588. Adulteration of frozen shrimp. U. S. v. 22 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 3863. Sample No. 56069-E.)**

On February 27, 1941, the United States attorney for the Southern District of New York filed a libel against 22 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped on or about September 24, 1940, from Brunswick, Ga., by Paul Moriera, Frank Cross, V. Ribiero, and Union Shrimp Co.; and from Thunderbolt, Ga., by Louis G. Ambos; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1589. Adulteration of frozen shrimp. U. S. v. 31 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 3946. Sample No. 56347-E.)**

On March 10, 1941, the United States attorney for the Southern District of New York filed a libel against 31 boxes, each containing two 28-pound slabs, of frozen shrimp at New York, N. Y., alleging that the article had been shipped on or about August 8, 1940, by the Atlantic Fish Co. from Philadelphia, Pa., and by the Union Shrimp Co. from Brunswick, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1590. Adulteration of frozen shrimp. U. S. v. 87 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 3772. Sample No. 56061-E.)

On February 6, 1941, the United States attorney for the Southern District of New York filed a libel against 87 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped on or about August 20, 1940, from Thunderbolt, Ga., by J. A. Cesaroni; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1591. Adulteration of frozen shrimp. U. S. v. 178 Blocks of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 4560. Sample No. 53516-E.)

On April 30, 1941, the United States attorney for the Southern District of California filed a libel against 178 unlabeled blocks, each containing 5 pounds, of frozen headless shrimp at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 10, 1941, by R. Encinas from Nogales, Ariz.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1592. Adulteration of frozen shrimp. U. S. v. 156 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 3773. Sample No. 56063-E.)

On February 6, 1941, the United States attorney for the Southern District of New York filed a libel against 156 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped from Darien, Ga., on or about August 14 and 15, 1940, by Frank Gomez, D. Serra, A. Firmino, Jean Machado, and A. G. Fisher; and from St. Augustine, Fla., on or about August 14 and 17, 1940, by S. Versaggi Sons, S. Salvador, and J. Tsagaris; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1593. Adulteration of frozen shrimp. U. S. v. 27 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 3854. Sample No. 56068-E.)

On February 21, 1941, the United States attorney for the Southern District of New York filed a libel against 27 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped on or about September 10, 1940, from Philadelphia, Pa., by E. Franklin Hopkins; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1594. Adulteration of frozen shrimp. U. S. v. 246 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 3778. Sample No. 34260-E.)

On February 4, 1941, the United States attorney for the Southern District of New York filed a libel against 246 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped on or about September 12 and 13, 1940, from St. Augustine, Fla., by Liberty Fish Co.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1595. Adulteration of frozen shrimp. U. S. v. 23 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 3938. Sample No. 56348-E.)

On March 10, 1941, the United States attorney for the Southern District of New York filed a libel against 23 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped on or about August 17, 1940, from Beaufort, N. C., by M. T. Noe; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1596. Adulteration of frozen shrimp. U. S. v. 20 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 3824. Sample No. 56064-E.)

On February 17, 1941, the United States attorney for the Southern District of New York filed a libel against 20 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped on or about August 18, 1940, from St. Augustine, Fla., by J. S. Ramos; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1597. Adulteration of frozen shrimp. U. S. v. 43 Bags of Frozen Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 3864. Sample No. 56070-E.)

On February 27, 1941, the United States attorney for the Southern District of New York filed a libel against 43 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped on or about August 15, 1940, by A. Smith from Vandemere, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1598. Adulteration of frozen shrimp. U. S. v. 152 Bags of Frozen Shrimp. Consent decree of condemnation and destruction.** (F. D. C. No. 3752. Sample Nos. 24966-E, 24968-E.)

On February 3, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 152 bags of frozen shrimp at Philadelphia, Pa., alleging that the article had been shipped on or about January 2, 1941, by the Union Fish Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 26, 1941, the Union Fish Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1599. Adulteration of canned clams. U. S. v. 50 Cases of Canned Clams. Default decree of condemnation and destruction.** (F. D. C. No. 2392. Sample No. 26713-E.)

This product contained pieces of shell, irregular in shape, many having sharp corners which would be capable of inflicting injury in the mouth.

On July 18, 1940, the United States attorney for the Northern District of California filed a libel against 50 cases of canned clams at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 14, 1940, by the Guilford Packing Co. from Port Townsend, Wash.; and charging that it was adulterated. It was labeled in part: (Cans) "High Life Brand Whole Little Neck Clams \* \* \* Packed for Newbauer and Schmale, San Francisco, Calif."

The article was alleged to be adulterated in that it contained an added deleterious substance, pieces of shell, which might have rendered it injurious to health; in that an article containing pieces of shell had been substituted wholly or in part for clams, which it purported to be; and in that pieces of shell had been added thereto or mixed or packed therewith so as to reduce its quality.

On March 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1600. Adulteration of oysters. U. S. v. Carol Dryden and A. Earl Dize (Carol Dryden & Co.). Pleas of guilty. Fine, \$50 and costs.** (F. D. C. No. 2113. Sample Nos. 3581-E, 3582-E.)

This product contained added water.

On September 16, 1940, the United States attorney for the District of Maryland filed an information against Carol Dryden and A. Earl Dize, copartners, trading as Carol Dryden & Co., Crisfield, Md., alleging shipment on or about March 18, 1940, from the State of Maryland into the State of Pennsylvania, of a quantity of oysters that were adulterated. The article was labeled in part: (Cans) "Pride of the Chesapeake Oysters."

The article was alleged to be adulterated in that water had been substituted in part therefor; and in that water had been added thereto or mixed or packed



therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On March 10, 1941, pleas of guilty having been entered by the defendants, the court imposed a fine of \$50 and costs.

**1601. Adulteration of oysters. U. S. v. 160 Pints of Oysters. Product ordered delivered to a local hospital. (F. D. C. No. 3433. Sample No. 5533-E.)**

Examination showed that this product contained added water.

On November 23, 1940, the United States attorney for the Southern District of Ohio filed a libel against 160 pints of oysters at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce by the Weems Seafood Co. from Weems, Va. [on or about November 16, 1940]; and charging that it was adulterated in that water had been substituted wholly or in part for it and in that water had been added to or mixed or packed with it so as to increase its bulk or weight, reduce its quality, or make it appear better or of greater value than it was.

On November 25, 1940, the consignee having recommended the immediate disposition of the product because of its perishable nature, judgment was entered ordering that it be disposed of by the United States marshal in such manner as might best serve the public interest. It was subsequently delivered to a local hospital.

**1602. Adulteration of oysters. U. S. v. 100 Pint Cans of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 3431. Sample No. 37123-E.)**

Examination showed that this product contained added water.

On or about November 26, 1940, the United States attorney for the Northern District of Georgia filed a libel against 100 cans, each containing 1 pint, of oysters at Griffin, Ga., alleging that the article had been shipped in interstate commerce on or about November 16, 1940, by Travers Bros. Co. from Baltimore, Md.; and charging that it was adulterated in that water had been substituted in part therefor, and in that water had been added to and mixed and packed with it so as to increase its bulk and weight and reduce its quality. It was labeled in part: "Blue Cross Brand Fresh Oysters."

On December 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1603. Adulteration of oysters. U. S. v. 300 Cans of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 3427. Sample No. 19996-E.)**

Examination of this product showed that it contained added water.

On November 22, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 300 cans of oysters at Altoona, Pa., alleging that the article had been shipped in interstate commerce by the Union Fish Co. from Baltimore, Md., on or about November 18, 1940; and charging that it was adulterated in that water had been substituted in whole or in part therefor, and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality, or make it appear better or of greater value than it was.

On December 19, 1940, no claimant having appeared, judgment was entered ordering destruction of the product.

## FRUITS AND VEGETABLES

### FRESH FRUITS

**1604. Adulteration of huckleberries. U. S. v. 4 24-Quart Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 3039. Sample No. 24479-E.)**

This product was infested with maggots.

On September 5, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 4 crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 3, 1940, by Vernon Corlis, Green Bank, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1605. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 5286. Sample No. 74284-E.)**

Examination of this product showed that it was infested with maggots.

On July 23, 1941, the United States attorney for the Southern District of New York filed a libel against 5 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 21, 1941, by Stella Stank from Shenandoah, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**CANNED FRUITS AND VEGETABLES**

**1606. Adulteration of canned peaches. U. S. v. Jack Gomperts (Jack Gomperts & Co.). Plea of nolo contendere. Fine, \$25. (F. D. C. No. 2851. Sample No. 12626-E.)**

Samples of this product were found to contain dirt, mold, dead larvae and insects, and insect and rodent excreta.

On October 22, 1940, the United States attorney for the Northern District of California filed an information against Jack Gomperts, trading as Jack Gomperts & Co. at San Francisco, Calif., alleging shipment on or about May 11, 1940, from the State of California into the State of New York of a quantity of peaches that were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: (Cases) "Whole Unpitted California Cling Peaches."

On January 11, 1941, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$25.

**1607. Adulteration of canned apricots. U. S. v. 24 Cases of Whole Apricots. Default decree of condemnation and destruction. (F. D. C. No. 2401. Sample No. 7969-E.)**

This product contained worms and worm excreta.

On July 31, 1940, the United States attorney for the District of Arizona filed a libel against 24 cases of canned apricots at Prescott, Ariz., alleging that the article had been shipped in interstate commerce on or about September 21, 1939, by the Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Val Vita Brand Whole Apricots."

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1608 to 1612, inclusive, report the seizure and disposition of canned cherries that were substandard in quality because of the presence of excessive pits, and were not labeled to indicate that they were substandard.

**1608. Misbranding of canned cherries. U. S. v. 50 Cases of Canned Cherries. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3597. Sample No. 44506-E.)**

On December 28, 1940, the United States attorney for the District of New Mexico filed a libel against 50 cases of canned cherries at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about October 2, 1940, by the Geo. W. Goddard Co. from Ogden, Utah; and charging that it was misbranded. It was labeled in part: "Utah Fawn Brand Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard, and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be distributed to charitable institutions.

**1609. Misbranding of canned cherries. U. S. v. 997 Cases of Cherries. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 3459. Sample No. 17986-E.)**

On December 3, 1940, the United States attorney for the Northern District of Alabama filed a libel against 997 cases, each containing 24 cans, of cherries at



Birmingham, Ala., alleging that the article had been shipped in interstate commerce by the Haserot Co. from Northport, Mich., on or about October 21, 1940; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Colonial Sour Pitted Red Cherries."

On March 21, 1941, the Haserot Co., agent for Northport Cherry Factory, Inc., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled in accordance with the law under the supervision of the Food and Drug Administration.

**1610. Misbranding of canned cherries. U. S. v. 12 Cases of Cherries. Default decree of condemnation and destruction.** (F. D. C. No. 3455. Sample No. 44125-E.)

On December 3, 1940, the United States attorney for the District of Nebraska filed a libel against 12 cases, each containing 6 No. 10 cans, of cherries at Scottsbluff, Nebr., alleging that the article had been shipped in interstate commerce on August 13, 1940, by the Loveland Canning Corporation from Loveland, Colo.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard. It was labeled in part: (Cans) "Valley Home Brand Red Sour Pitted Cherries."

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

**1611. Misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries. Consent decree entered. Product ordered released under bond for relabeling.** (F. D. C. No. 3500. Sample No. 52523-E.)

On December 11, 1940, the United States attorney for the District of Idaho filed a libel against 37 cases of canned cherries at Wallace, Idaho, alleging that the article had been shipped in interstate commerce on or about October 28 and November 18, 1940, by the Roundup Grocery Co. from Spokane, Wash.; and charging that it was misbranded. The article was labeled in part: (Cans) "Falls Brand Red Water Pack Pitted Sour Cherries."

The article was alleged to be misbranded in that it purported to be a food which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 27, 1941, the Spokane Valley Canning Co., Spokane, Wash., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond conditioned that it be relabeled.

**1612. Misbranding of canned cherries. U. S. v. 61 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 3598. Sample No. 44196-E.)

On January 14, 1941, the United States attorney for the District of Wyoming filed a libel against 61 cases of canned cherries at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about September 12, 1940, by the Woods Cross Canning Co. from Clearfield, Utah; and charging that it was misbranded. It was labeled in part: "Woods Cross Brand Water Packed Cherries."

The article was alleged to be misbranded in that it was represented to be canned pitted cherries but fell below the standard of quality prescribed by regulations provided by law for canned pitted cherries.

On January 28, 1941, the Woods Cross Canning Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1613. Adulteration of canned huckleberries. U. S. v. 264 Cartons of Canned Huckleberries (and 5 other seizure actions against canned huckleberries). Default decrees of condemnation and destruction.** (F. D. C. Nos. 3393, 3409, 3835, 3860, 3899, 3904. Sample Nos. 26557-E, 32179-E, 32180-E, 32766-E, 45954-E, 52152-E.)

This product contained insect larvae. One lot also contained spiders, moths, and other insects.



Between November 15, 1940, and March 3, 1941, the United States attorneys for the Northern District of California, the District of Oregon, and the Southern District of California filed libels against 264 cartons and 100 cases of canned huckleberries at San Francisco, Calif., 670 cases at Los Angeles, Calif., 13 cases at Portland, Oreg., and 14 cases at Long Beach, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 3, 1940, to on or about February 4, 1941, by the Midfield Packers from Olympia, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. Portions of the article were labeled in part variously: "Stiefvaters' Best O. K. \* \* \* Water Pack Huckleberries," "Moon Winks Brand Water Pack Huckleberries," and "Sherwood's Water Huckleberries."

Between January 10 and April 4, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1614. Adulteration of canned huckleberries. U. S. v. 494 Cartons of Canned Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 3326. Sample No. 45954-E.)**

This product contained insect larvae.

On November 4, 1940, the United States attorney for the District of Colorado filed a libel against 494 cartons of canned huckleberries at Denver, Colo. (consigned by Midfield Packers), alleging shipment of said article on or about October 17, 1940, from Olympia, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Midfield Brand Water Pack Huckleberries."

On January 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1615. Adulteration of canned huckleberries. U. S. v. 250 Cartons of Huckleberries (and 4 other cases against canned huckleberries). Default decrees of condemnation and destruction. (F. D. C. Nos. 3412, 3922, 3923, 4059, 4060. Sample Nos. 26568-E, 46477-E, 46479-E, 56501-E, 56509-E.)**

Examination showed that this product contained maggots.

On December 5, 1940, and March 6, 8, 26, and 27, 1941, the United States attorneys for the Southern District of New York and the Eastern District of New York filed libels against 250 cartons and 292 cases each containing 6 No. 10 cans of huckleberries at New York, N. Y., 48 cases each containing 6 No. 10 cans at Brooklyn, N. Y., and 59 cases each containing 6 No. 10 cans at Maspeth, Long Island, N. Y., alleging that the article had been shipped in interstate commerce on or about October 31, 1940, by Olympia Canning Co. from Olympia, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Three Castles Brand Huckleberries \* \* \* Embassy Grocery Corp. Distributors New York, N. Y."; and "Household Brand Huckleberries Olympia Canning Company."

On December 30, 1940, and March 28, April 14 and 26, and May 6, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1616. Adulteration of canned crushed pineapple. U. S. v. 48 Cases of Canned Pineapple. Default decree of condemnation and destruction. (F. D. C. No. 3408. Sample No. 16906-E.)**

Examination showed the presence of decomposed fruit in this product.

On November 19, 1940, the United States attorney for the District of Kansas filed a libel against 48 cases, each containing 6 No. 10 cans, of crushed pineapple at Hutchinson, Kans., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by Arthur Serra & Co. from Texas City, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Cuban Beauty Brand."

On January 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1617. Adulteration of canned peas. U. S. v. 17 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2183. Sample No. 28303-E.)**

This product was in whole or in part decomposed.

On June 8, 1940, the United States attorney for the Western District of Virginia filed a libel against 17 cases of canned peas at Woodstock, Va., alleging that the article had been transported in interstate commerce by Boyer Grocery



Co., Inc., from Baltimore, Md., to the place of business of the Boyer Grocery Co., Inc., Woodstock, Va., on or about March 31, 1940; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Temptu Early Variety Peas Distributed by King Foods Company, Baltimore, Md."

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1618. Misbranding of canned peas. U. S. v. 187 Cases of Peas. Consent decree of condemnation. Product released under bond to be relabeled.** (F. D. C. No. 3158. Sample Nos. 20922-E, 20923-E.)

This product was substandard in quality because the alcohol-insoluble solids of the peas amounted to more than 23.5 percent, and it was not labeled to indicate that it was substandard.

On October 8, 1940, the United States attorney for the Western District of North Carolina filed a libel against 187 cases, each containing 24 cans, of peas at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about July 4 and August 21, 1940, by H. E. Kelley from New Church, Va.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard. It was labeled in part: (Cans) "Kelley's Pod Run [or "Wholesome"] Early June Peas."

On February 19, 1941, H. E. Kelley, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1619. Misbranding of canned peas. U. S. v. 190 Cases of Early June Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 3445. Sample No. 34682-E.)

This product was substandard in quality because the alcohol-insoluble solids of the peas were more than 23.5 percent, and the skins of more than 25 percent of them were ruptured to a width of  $\frac{1}{16}$  inch or more. It also fell below the standard of fill of container prescribed for canned peas.

On or about December 2, 1940, the United States attorney for the District of Connecticut filed a libel against 190 cases, each containing 24 cans, of peas at Danbury, Conn., alleging that the article had been shipped in interstate commerce on or about July 30, 1940, by Wm. Silver & Co. from Aberdeen, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Kent Farm Brand Early June Peas."

The article was alleged to be misbranded (1) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and the label failed to bear in such manner and form as the regulations specify, that it fell below such standard; and (2) in that it fell below the standard of fill of container for canned peas and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 28, 1941, Albert W. Sisk & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

**1620. Adulteration and misbranding of canned peas. U. S. v. 24 Cases of Canned Peas (and 2 other seizures of canned peas). Default decrees of condemnation. Product ordered distributed to public welfare officers.** (F. D. C. Nos. 2774, 3049, 3060. Sample Nos. 28850-E, 28875-E, 28876-E.)

This product was substandard in quality because the alcohol-insoluble solids of the peas were more than 23.5 percent and in two of the three lots the skins of more than 25 percent were ruptured to a width of  $\frac{1}{16}$  inch or more. The product was not labeled to indicate that it was substandard.

On September 13 and 25, 1940, the United States attorney for the Eastern District of North Carolina filed libels against 24 cases of canned peas at Weldon, N. C., and 125 cases at Washington, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about June 10 to on or about July 1, 1940, by Southgate Brokerage Co., Inc., from



Norfolk, Va.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Lynnhaven Brand Early June Peas."

One of the lots located at Washington, N. C., was alleged to be adulterated in that canned peas substandard in quality had been substituted for canned peas of standard quality, which the article purported to be. The article in all lots was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard and its labels did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 29 and November 7, 1940, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. On November 23 and 25, 1940, amended decrees were entered authorizing the marshal to deliver the product to public welfare officers, after the expiration of the said 30 days, to be used for charitable purposes. The product was distributed as provided in the amended decrees.

#### FROZEN STRAWBERRIES

**1621. Adulteration of frozen strawberries. U. S. v. 52 Barrels of Frozen Strawberries. Decree of forfeiture and destruction.** (F. D. C. No. 3485. Sample Nos. 39603-E, 39615-E.)

This product consisted in whole or in part of moldy berries.

On December 7, 1940, the United States attorney for the Eastern District of Illinois filed a libel against 52 barrels of frozen strawberries at East St. Louis, Ill., alleging that the article had been shipped in interstate commerce on or about July 4, 1940, by the Kelley Farquhar Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sparklets 3+1 Marshall Strawberries Field Run."

On January 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1622. Adulteration of frozen strawberries. U. S. v. 125 Barrels of Strawberries. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 2770. Sample No. 44433-E.)

Examination showed the presence of moldy strawberries.

On September 9, 1940, the United States attorney for the District of Colorado filed a libel against 125 barrels of strawberries at Denver, Colo., which had been shipped by the Pure Food Manufacturing Co., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Rock-Garden Brand \* \* \* Strawberries \* \* \* Packed by Mukai and Son, Vashon, Washington."

On October 30, 1940, Mukai & Son, of Vashon, Wash., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed.

#### TOMATO PRODUCTS

**1623. Adulteration of tomato catsup and tomato puree. U. S. v. The Delta County Canning Co., a corporation. Plea of guilty. Fine, \$20.** (F. D. C. No. 2842. Sample Nos. 6312-E, 6616-E, 97239-E, 97240-E.)

One of these lots contained excessive mold indicating the presence of decomposed material; one lot contained insect fragments, and in two lots both conditions were found.

On April 3, 1941, the United States attorney for the District of Colorado filed an information against the Delta County Canning Co., a corporation, Delta, Colo., alleging introduction and delivery for introduction in interstate commerce within the period from on or about October 7, 1939, to on or about March 27, 1940, from the State of Colorado into the States of New Mexico and Nebraska of quantities of tomato catsup and tomato puree that were adulterated. The articles were labeled in part: "Bel-Dine Tomato Catsup \* \* \* Packed for Recorg Supply Corporation, Chicago, Illinois,"; "Town-Talk No. 10 Special Hotel Pack Tomato Catsup [or "Tomato Puree"] \* \* \* Packed for the Stone-Hall Co., Denver, Colo."; or "Town-Talk Tomato Catsup \* \* \* the Delta County Canning Company, Delta, Colo."



Adulteration was alleged with respect to two of the lots of catsup in that it consisted in whole or in part of a filthy and decomposed substance; with respect to the lot of puree in that it consisted in whole or in part of a decomposed substance and with respect to the remaining lot of catsup in that it consisted in whole or in part of a filthy substance.

On April 24, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$20.

**1624. Adulteration of tomato puree. U. S. v. Luther S. Sloat and Will P. Reed (White Pine Canning Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 2927. Sample No. 20954-E.)**

This product contained excessive mold, indicating the presence of decomposed material.

On February 19, 1941, the United States attorney for the Eastern District of Tennessee filed an information against Luther S. Sloat and Will P. Reed, co-partners, trading as White Pine Canning Co. at White Pine, Tenn., alleging shipment by said defendants on or about August 21, 1940, from the State of Tennessee into the State of Georgia, of a quantity of tomato puree that was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Cans) "Jefferson Brand Tomato Puree."

On May 26, 1941, the defendants entered pleas of guilty and the court imposed a join fine of \$100 in lieu of fine and costs.

**1625. Adulteration of tomato paste. U. S. v. Turlock Cooperative Growers. Plea of guilty. Fine, \$500. (F. D. C. No. 2888. Sample Nos. 10814-E, 12464-E, 12597-E, 12953-E, 56488-D, 72956-D.)**

One of these shipments contained mold, indicating the presence of decomposed material; three contained worm and insect fragments, and in one shipment both conditions were found.

On January 7, 1941, the United States attorney for the Northern District of California filed an information against the Turlock Cooperative Growers, a corporation, Modesto, Calif., alleging delivery for introduction in interstate commerce within the period from on or about January 19 to on or about April 2, 1940, from the State of California into the States of Texas, New York, Virginia, and Massachusetts of quantities of tomato paste that was adulterated. The article was labeled in part: "Firenze Brand Tomato Paste."

Adulteration was alleged with respect to one of the shipments in that it consisted in whole and in part of a decomposed substance, with respect to three of the shipments in that they consisted in whole and in part of a filthy substance, and with respect to the remaining shipment in that it consisted in whole and in part of a filthy and decomposed substance.

On February 21, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

**1626. Adulteration of catsup. U. S. v. 26 Cases of Catsup. Default decree of condemnation and destruction. (F. D. C. No. 3115. Sample No. 38034-E.)**

This product contained excessive mold, indicating the presence of decomposed material.

On October 2, 1940, the United States attorney for the Western District of Wisconsin filed a libel against 26 cases of tomato catsup at Menomonie, Wis., alleging that the article had been shipped in interstate commerce on or about August 30, 1939, by the Frazier Packing Corporation from Elwood, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Frazier's Tomato Catsup."

On November 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1627. Adulteration of tomato catsup. U. S. v. 28 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 3515. Sample No. 44176-E.)**

This product contained excessive mold, indicating the presence of decomposed material.

On December 17, 1940, the United States attorney for the District of Montana filed a libel against 28 cases of tomato catsup at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about November 2 and 18, 1940, by Keller & Chandler from St. Anthony, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.



The article was labeled in part: (Cans) "Utah Lyon Brand Catsup" or "Catsup \* \* \* Accepted Brand."

On February 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1628. Adulteration of tomato puree. U. S. v. 158 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. D. C. No. 3719. Sample No. 44636-E.)**

This product contained excessive mold, indicating the presence of decomposed material.

On February 1, 1941, the United States attorney for the District of Colorado filed a libel against 158 cases of tomato puree at Denver, Colo., consigned by the Perry Canning Co., alleging that the article had been shipped in interstate commerce on or about October 9, 1940, from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Gateway Brand Tomato Puree."

On March 3, 1941, the Perry Canning Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1629. Adulteration of tomato sauce and hot sauce. U. S. v. 341 Cases of Tomato Sauce (and Hot Sauce). Consent decree of condemnation and destruction. (F. D. C. No. 1939. Sample Nos. 9184-E, 9185-E.)**

These products contained mold, indicating the presence of decomposed material.

On May 9, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 341 cases of tomato sauce and 491 cases of hot sauce at Baton Rouge, La., alleging that the articles had been shipped in interstate commerce on or about October 25, 1939, from Stockton, Calif., by B. H. Body, Inc. This firm acted as agent for the packer, the Stockton Food Products Co. of Stockton, Calif. The articles were labeled in part: "Red and White Concentrated Tomato Sauce Red and White Corp'n. Distributor Chicago, Illinois"; or "Brimfull Brand Hot Sauce Distributed by Kitchen Products Inc. Chicago."

They were alleged to be adulterated in that they consisted wholly or in part of decomposed substances.

On April 14, 1941, Stockton Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered destroyed.

**OTHER FRUIT PRODUCTS**

**1630. Adulteration of apple butter. U. S. v. 93 Cases of Apple Butter. Default decree entered. Product ordered destroyed. (F. D. C. No. 3410. Sample No. 55546-E.)**

Examination of this product showed that it contained insect fragments.

On November 19, 1940, the United States attorney for the Western District of Washington filed a libel against 93 cases, each containing 6 No. 10 cans, of apple butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 8, 1940, by Pacific Food Products Co. from Boise, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Sunny Jim Pure Apple Butter."

On January 28, 1941, no claimant having appeared, judgment was entered ordering destruction of the product.

**1631. Adulteration and misbranding of SpreDon. U. S. v. 11 Cases of SpreDon. Default decree of condemnation and destruction. (F. D. C. No. 2995. Sample No. 6587-E.)**

This product was a dark gelatinous mass, highly acidulated, with no characteristic odor or flavor other than acidity and sweetness, consisting of dried fruit (excepting that labeled "Grape," which contained fruit pulp), dextrose, pectin, acid, and artificial color. The product, which was wrapped in wax paper, occupied only about 58 percent of the volume of the package.

On September 16, 1940, the United States attorney for the Northern District of Texas filed a libel against 11 cases of SpreDon at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about July 22,



1939, by California Fruit Products, Ltd., from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Package) "Sun Gold Raspberry [or "Currant, Strawberry," "Blackberry," "Grape," or "Loganberry"] Flavored Spreadon [designs: one depicting what appears to be a mold of fruit jelly and another of various fresh fruits]."

It was alleged to be adulterated in that a substance, artificial color, had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the designs of fresh fruit and fruit jelly mold were false and misleading; in that the words "Concentrated Fruit" in the statement of the ingredients were false and misleading as applied to dried fruit or fruit pulp; in that the name "Spreadon" was misleading since the article was a spread-on base and not a spread on because the purchaser must supply three cups of sugar to each 1¾ ounces of the article; in that the labeling failed to reveal that when used according to directions an imitation fruit jelly would be obtained, a fact which was material in the light of the labeling; and in that the container was so made, formed, or filled as to be misleading.

On April 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### DRIED FRUITS

##### **1632. Adulteration of dates. U. S. v. 79 Boxes of Dates. Default decree of condemnation and destruction. (F. D. C. No. 3690. Sample No. 55739-E.)**

Examination showed that this product was undergoing fermentation.

On January 18, 1941, the United States attorney for the District of Oregon filed a libel against 79 boxes of dates at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about October 2, 1940, by the L. A. Nut House from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "La-Nut Brand Coconut Rolled California Date Confection."

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

##### **1633. Adulteration of prunes. U. S. v. 100 Cases of Prunes. Default decree of condemnation and destruction. F. D. C. No. 3456. Sample No. 34701-E.)**

Examination of this product disclosed that it was moldy and insect-infested.

On or about December 9, 1940, the United States attorney for the District of Connecticut filed a libel against 100 cases, each containing 24 packages, of prunes at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about June 3, 1940, by the Winchester Dried Fruit Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. It was labeled in part: "Hillside Brand Santa Clara \* \* \* Prunes."

On February 24, 1941, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

##### **1634. Adulteration of prunes. U. S. v. 5 Sacks of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 3234. Sample No. 21353-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On October 17, 1940, the United States attorney for the Western District of Washington filed a libel against 5 sacks of prunes at Seattle, Wash., alleging that the article had been shipped on or about September 17, 1940, by the California Packing Corporation from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1635 to 1642 report the seizure and disposition of raisins that were insect-infested.

##### **1635. Adulteration of raisins. U. S. v. 88 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 3436. Sample No. 37202-E.)**

On November 26, 1940, the United States attorney for the Southern District of Florida filed a libel against 88 cases of raisins at Jacksonville, Fla., alleging that



the article had been shipped in interstate commerce by the California Prune & Apricot Growers Association from San Jose, Calif., on or about August 8, 1940; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden Glow Brand Midget Seedless Raisins."

On December 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1636. Adulteration of raisins. U. S. v. 49 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3260. Sample No. 34494-E.)

On October 22, 1940, the United States attorney for the Southern District of New York filed a libel against 49 cases of raisins at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 15, 1940, by the El Encanto Vineyards from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "Cal-Ray Brand Thompson Seedless Raisins Packed By El Mar Packing Co., Fresno, Calif."

On April 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1637. Adulteration of raisins. U. S. v. 448 and 100 Cartons of Raisins. Decree of condemnation and destruction.** (F. D. C. No. 3288. Sample Nos. 34500-E, 46001-E.)

On October 28, 1940, the United States attorney for the Southern District of New York filed a libel against 548 cartons of raisins at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 13, 1940, by the El Solyo Ranch from Vernalis, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "El Solyo Brand Golden Bleached Thompson Seedless Raisins."

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Reiss & Barnard, Inc., having intervened as claimant and secured an order vacating the decree and staying execution, but subsequently having withdrawn its appearance and consented to the destruction of the product, final decree was entered May 2, 1941, reviving the judgment of January 16, 1941, and ordering the marshal to proceed with the destruction of the goods.

**1638. Adulteration of raisins. U. S. v. 336 Cartons of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3292. Sample No. 34498-E.)

On October 28, 1940, the United States attorney for the Southern District of New York filed a libel against 336 cartons of raisins at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 23, 1940, by Guggenlime & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Holly Brand California Bakers Midget Raisins."

On April 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1639. Adulteration of raisins. U. S. v. 590 Boxes of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3469. Sample No. 11206-E.)

On December 5, 1940, the United States attorney for the Southern District of Texas filed a libel against 590 boxes of raisins at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 27, 1940, by the Pacific Raisin Co., Inc., from Fowler, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Daisy Bell Brand Choice Thompson Seedless Raisins."

On January 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1640. Adulteration of raisins. U. S. v. 107 Cartons of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3416. Sample No. 36119-E.)

On November 20, 1940, the United States attorney for the District of Massachusetts filed a libel against 107 cartons of raisins at Boston, Mass., alleging that the article had been shipped in interstate commerce by Sunland Sales Cooperative Association from Stockton, Calif., on or about September 23, 1939; and charging that it was adulterated in that it consisted in whole or in part of a filthy



substance. The article was labeled in part: "Cal-Ray Brand Thompson Seedless Raisins."

On December 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1641. Adulteration of raisins. U. S. v. 12 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3261. Sample No. 34495-E.)

On October 22, 1940, the United States attorney for the Southern District of New York filed a libel against 12 cases of raisins at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 11, 1940, by D. Ulman from Carteret, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. Portions of the article were labeled in part: "Mission Brand [or "Hillside Brand"] \* \* \* Thompson Seedless." One case was unlabeled.

On April 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1642. Adulteration of raisins. U. S. v. 500 Cartons of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3293. Sample No. 34499-E.)

On October 28, 1940, the United States attorney for the Southern District of New York filed a libel against 500 cartons of raisins at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 22, 1940, by the Consolidated Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Honey Bunch Brand Midget Thompson Seedless Raisins."

On May 2, 1941, Reiss & Bernhard, Inc., New York, having intervened as claimant but having failed to file an answer to the libel, judgment of condemnation was entered and the product was ordered destroyed.

**1643. Adulteration of raisins. U. S. v. 35 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3530. Sample No. 35375-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time moldy and decomposed raisins were found.

On December 19, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 35 cases of raisins at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 31, 1938, by the Houston National Bank from Houston, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Tusan Brand Zinfandel Raisins."

On February 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MEAT PRODUCTS

### POULTRY

**1644. Adulteration of poultry. U. S. v. Charles Backman (Backman Produce Co.). Plea of guilty. Fine, \$26.** (F. D. C. No. 2082. Sample Nos. 85708-D, 85710-D.)

Examination showed the presence of diseased and emaciated poultry in these shipments.

On January 21, 1941, the United States attorney for the District of Minnesota filed an information against Charles Backman, trading as the Backman Produce Co., at Waterville, Minn., alleging shipment in interstate commerce on or about December 8 and 22, 1939, from the State of Minnesota into the State of New York of quantities of poultry that was adulterated in that it was in whole and in part the product of diseased animals.

On January 21, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$26.

**1645. Adulteration of poultry. U. S. v. John W. Romine and Harold Sunde (New Richland Produce Co.). Pleas of guilty. Fine, \$13.50 against each defendant.** (F. D. C. No. 2073. Sample Nos. 85707-D, 85710-D.)

Examination showed the presence of diseased and emaciated poultry in these shipments.



On January 21, 1941, the United States attorney for the District of Minnesota filed an information against John W. Romine and Harold Sunde, copartners, trading as New Richland Produce Co. at New Richland, Minn., alleging shipment in interstate commerce on or about December 8 and 21, 1939, from the State of Minnesota into the State of New York, of quantities of poultry that was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry. The article was labeled in part "Fox Feed."

On January 21, 1941, pleas of guilty having been entered, the court imposed a fine of \$13.50 against each defendant.

**1646. Adulteration of turkeys. U. S. v. Hugh A. Pruitt (Pruitt Produce Co.).**  
**Plea of guilty. Fine, \$25.** (F. D. C. No. 2072. Sample No. 86308-D.)

This product was in whole or in part emaciated, diseased, or decomposed.

On July 30, 1940, the United States attorney for the Eastern District of Texas filed an information against Hugh A. Pruitt, trading as Pruitt Produce Co., at Sherman, Tex., alleging shipment on or about November 17, 1939, from the State of Texas into the State of New York, of a quantity of turkeys that were adulterated in that they were in whole or in part the product of diseased animals; and in that they consisted in whole or in part of a decomposed substance.

On August 2, 1940, the defendant having entered a plea of guilty, the court imposed a fine of \$25.

Nos. 1647 to 1650 report the seizure and disposition of turkeys which had not been slaughtered and bled, but apparently had been frozen to death in a severe storm.

**1647. Adulteration of turkeys. U. S. v. 2 Barrels of Turkeys. Default decree of condemnation and destruction.** (F. D. C. No. 3422. Sample No. 31220-E.)

On November 29, 1940, the United States attorney for the Northern District of Illinois filed a libel against two barrels of dressed turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 15, 1940, by R. E. Aukes from Britt, Iowa; and charging that it was adulterated in that it was in whole or in part the product of animals that had died otherwise than by slaughter.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1648. Adulteration of turkeys. U. S. v. 2 Boxes of Turkeys. Default decree of condemnation and destruction.** (F. D. C. No. 3425. Sample No. 31223-E.)

On November 29, 1940, the United States attorney for the Northern District of Illinois filed a libel against two boxes of dressed turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 15, 1940, by Paul Glantz from Armour, S. Dak.; and charging that it was adulterated in that it was in whole or in part the product of animals that had died otherwise than by slaughter.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1649. Adulteration of turkeys. U. S. v. 1 Barrel of Turkeys. Default decree of condemnation and destruction.** (F. D. C. No. 3423. Sample No. 31221-E.)

On November 29, 1940, the United States attorney for the Northern District of Illinois filed a libel against one barrel of dressed turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 15, 1940, by N. Kiewiet from Britt, Iowa; and charging that it was adulterated in that it was in whole or in part the product of animals that had died otherwise than by slaughter.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1650. Adulteration of turkeys. U. S. v. 1 Barrel and 8 Crates of Turkeys. Default decree of condemnation and destruction.** (F. D. C. No. 3424. Sample No. 31222-E.)

On November 29, 1940, the United States attorney for the Northern District of Illinois filed a libel against one barrel and eight crates of dressed turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 16, 1940, by Walter Miller from Garner, Iowa; and charging that it was adulterated in that it was in whole or in part the product of animals that had died otherwise than by slaughter.



On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1651. Adulteration of dressed turkeys. U. S. v. 2 Barrels of Dressed Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 3460. Sample No. 31224-E.)**

Examination showed the presence of diseased and improperly bled turkeys in this shipment.

On December 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 2 barrels of dressed turkeys at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 15, 1940, by Goodrich & Searcy from Cresco, Iowa; and charging that the article was adulterated in that it was in whole or in part the product of diseased animals or of animals which had died otherwise than by slaughter.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1652. Adulteration of turkeys. U. S. v. 2 Barrels of Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 3420. Sample No. 34474-E.)**

Examination showed the presence of diseased turkeys.

On November 20, 1940, the United States attorney for the Southern District of New York filed a libel against two barrels of turkeys at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 6, 1940, by Valley Produce Co. from Timberville, Va.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On December 17, 1940, no claimant having appeared, judgment of condemnation and destruction was entered. On December 30, 1940, the decree was amended to permit delivery of a sample of the poultry to this Agency.

**1653. Misbranding of canned boned chicken. U. S. v. 25 Cases of Canned Chicken. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 2742. Sample No. 32039-E.)**

Examination of various samples of this product showed that it contained from 67.9 percent to 82.6 percent by weight of drained meat; whereas canned boned chicken should contain not less than 90 percent by weight of drained meat. It consisted of chicken meat and broth and was not labeled to indicate that fact.

On September 3, 1940, the United States attorney for the Southern District of California filed a libel against 25 cases of canned boned chicken at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 17, 1940, by the Mione Packing Co. from McMinnville, Oreg.; and charging that it was misbranded. The article was labeled in part: (Cans) "Iris Brand Fancy Boned Chicken \* \* \* Haas, Baruch & Co., Los Angeles, Calif., Distributors."

The article was alleged to be misbranded in that its container was so filled as to be misleading since it did not contain the quantity of chicken meat expected, less than 90 percent of drained meat being present; and in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient.

On September 23, 1940, the Mione Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be properly relabeled.

**1654. Misbranding of chicken soup. U. S. v. 54 Cases of Chicken Soup. Default decree of condemnation and destruction. (F. D. C. No. 3418. Sample No. 55357-E.)**

This product was found to be short of the declared weight and to contain undeclared artificial flavoring; and its label also failed to bear the common or usual name of each ingredient.

On November 19, 1940, the United States attorney for the Western District of Washington filed a libel against 54 cases, each containing 48 cans, of chicken soup at Seattle, Wash., alleging that the article had been shipped in interstate commerce from Portland, Oreg., by Stidd's, Inc., on or about June 13, 1940; and charging that it was misbranded. It was labeled in part: "Stidd's Concentrated Chicken Soup \* \* \* contents 11 oz. avoirdupois."

The article was alleged to be misbranded in that (1) the statement "Contents 11 oz. avoirdupois" was false and misleading, since it was incorrect; (2) it was in



package form and did not bear an accurate statement of the quantity of contents; (3) it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient; and (4) it contained artificial flavoring but did not bear labeling stating that fact.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### DOG FOOD

**1655. Adulteration and misbranding of Set-Up Dog Food. U. S. v. 25 Cases of Set-Up Dog Food. Consent decree of condemnation and destruction.** (F. D. C. No. 3396. Sample No. 18667-E.)

This product contained smaller proportions of crude protein and fat than those declared on the label.

On November 16, 1940, the United States attorney for the District of Maryland filed a libel against 25 cases of Set-Up Dog Food at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by the Packer Products Co. from Philadelphia, Pa.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing an average of 4.61 percent of crude protein and 0.44 percent of crude fat had been substituted for a product containing a minimum of 6.50 percent of crude protein and 2 percent of crude fat.

Misbranding was alleged in that the statements "Analysis Crude Protein Minimum 6.5% Crude Fat Min. 2%" were false and misleading since they were incorrect.

On March 6, 1941, the claimant, Gardner E. Goldsmith, trading as the Packer Products Co., having withdrawn his answer and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

#### NUTS AND NUT PRODUCTS

**1656. Adulteration of Brazil nuts. U. S. v. 137 Baskets and 74 Bags of Brazil Nuts. Default decree of condemnation and destruction.** (F. D. C. No. 3365. Sample No. 28941-E.)

This product contained moldy and decomposed nuts.

On November 12, 1940, the United States attorney for the District of Maryland filed a libel against 137 40-pound baskets, 33 15-pound bags, and 41 10-pound bags of Brazil nuts at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 16 and 21, 1940, by Wm. A. Higgins & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part "Sun-Glow."

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1657. Adulteration of Brazil nuts. U. S. v. 3 Bags of Brazil Nuts. Default decree of condemnation and destruction.** (F. D. C. No. 3446. Sample No. 34584-E.)

Examination showed that these nuts were in whole or in part moldy and decomposed.

On or about November 30, 1940, the United States attorney for the District of New Jersey filed a libel against three bags of Brazil nuts at Perth Amboy, N. J., alleging that the article had been shipped in interstate commerce on or about November 2 and 7, 1940, by Wm. A. Higgins & Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1658. Adulteration of Brazil nuts. U. S. v. 33 Cases of Brazil Nuts. Default decree of condemnation and destruction.** (F. D. C. No. 3437. Sample No. 20729-E.)

This product was in whole or in part moldy and rancid.

On November 26, 1940, the United States attorney for the Southern District of Florida filed a libel against 33 cases of Brazil nuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce by Red Line Commercial Co., Inc., from New York, N. Y., on or about October 5, 1940; and



charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Amazon Brand."

On January 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1659. Adulteration of pecan pieces. U. S. v. 39 Cases of Pecan Halves (and 3 other seizure actions against pecan halves or pieces). Consent decrees of condemnation. Product ordered released under bond conditioned that unfit portion be disposed of for animal feed. (F. D. C. Nos. 2639, 2640. Sample Nos. 30181-E to 30186-E, incl.)**

Many of the nuts in the samples of this product which were examined, were found to have a phenolic odor and taste.

On August 23, 1940, the United States attorney for the Northern District of Illinois filed libels against 288 cases of pecan pieces at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 20 and 22, 1940, from Clarksville, Tex., Boston, Mass., and New York, N. Y., by Black Bros.; and charging that it was adulterated.

The article was alleged to be adulterated in that it was unfit for food by reason of the presence of phenolic compounds rendering it inedible; in that an article containing added phenolic compounds had been substituted wholly or in part for pecans; and in that the phenolic compounds had been added thereto so as to reduce its quality.

On February 11 and 19, 1941, James P. Gallagher and Peter Acquilina, Chicago, Ill., claimants for respective portions of the product, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be segregated from the remainder and disposed of for animal feed.

**1660. Adulteration of peanuts. U. S. v. 20 Bags of Peanuts. Consent decree of condemnation and destruction with provision for release under bond. Attempted salvage unsuccessful and product destroyed. (F. D. C. No. 2822. Sample No. 26610-E.)**

This article had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On September 13, 1940, the United States attorney for the Western District of Washington filed a libel against 20 bags of peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 30, 1940, by the Suffolk Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 31, 1940, Joseph Vinikow, Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be destroyed, but that it might be released under bond for attempted salvage by sorting out the unfit nuts. The attempt to eliminate the unfit material was unsuccessful and the product was destroyed.

**1661. Adulteration of peanut butter. U. S. v. 25 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 3596. Sample No. 35244-E.)**

Samples of this product were found to contain rodent excreta and rodent hairs.

On December 27, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 25 cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 6, 1940, by the Sessions Co. from Enterprise, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Armour's Star Peanut Butter."

On February 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## OLIVE OIL

**1662. Adulteration and misbranding of olive oil. U. S. v. Joe Grillo. Plea of guilty. Fine, \$400. Payment suspended and defendant placed on probation for 3 years. (F. D. C. No. 2090. Sample Nos. 64224-D, 83397-D.)**

This product consisted in large part of cottonseed oil.

On July 1, 1940, the United States attorney for the Southern District of California filed an information against Joe Grillo, San Pedro, Calif., alleging ship-



ment on or about December 2 and 13, 1939, from the State of California into the State of Washington of quantities of olive oil that was adulterated and misbranded. The article was labeled in part: (Cans) "Olive Oil."

It was alleged to be adulterated in that a substance consisting essentially of cottonseed oil had been substituted wholly or in part for olive oil; and in that a substance consisting essentially of cottonseed oil had been mixed or packed therewith so as to reduce its quality or strength.

The article was alleged to be misbranded in that the statement "Olive Oil," borne on the cans, was false and misleading since it represented that the article consisted wholly of olive oil; whereas it did not so consist but did consist essentially of cottonseed oil. It was alleged to be misbranded further in that it was a food consisting essentially of cottonseed oil and was offered for sale under the name of another food, i. e., "olive oil."

On July 29, 1940, a plea of guilty was entered and the court imposed a fine of \$400, payment of which was suspended and the defendant was placed on probation for 3 years.

**1663. Adulteration and misbranding of olive oil. U. S. v. 45 Cans of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 2800. Sample No. 36216-E.)

This product was cottonseed oil, containing little or no olive oil, and was artificially flavored to simulate olive oil.

On September 12, 1940, the United States attorney for the District of Maine filed a libel against 45 cans of oil at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about August 7, 1940, by the Alberti Importing & Exporting Co., Inc., from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panel) "Berta Brand Oil. Contains Pure Olive Oil and Cottonseed Oil \* \* \* Packed by Alba Products Co., Boston, Mass."

The article was alleged to be adulterated in that a substance, namely, cottonseed oil, containing little or no olive oil, and artificially flavored to simulate olive oil had been substituted wholly or in part therefor.

It was alleged to be misbranded in that the picture of a woman in garb suggesting Italian origin, the prominent designation "Olio," the Italian brand name "Berta," and the designations "A superior oil" and "Olio Sopraffino," were false and misleading as applied to an artificially flavored cottonseed oil containing little or no olive oil since they implied that it was essentially olive oil. It was alleged to be misbranded further in that its label bore representations in Italian, but the quantity of contents statement and names of the ingredients failed to appear on the label in Italian, as required by or under authority of the law. The article was misbranded further in that it contained artificial flavoring and did not bear labeling stating that fact.

On October 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1664. Adulteration and misbranding of olive oil. U. S. v. 22 Cans of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 2829. Sample No. 36217-E.)

This product was essentially cottonseed oil and contained little or no olive oil, and was artificially flavored and colored to simulate olive oil.

On September 16, 1940, the United States attorney for the District of Maine filed a libel against 22 cans of oil at Biddeford, Maine, alleging that the article had been shipped in interstate commerce on or about July 25, 1940, by the Cara Donna Packing Co. from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panels) "Fine Table Oil Composed of 80% Domestic Vegetable Oil 20% Imported Olive Oil Di Lusso Brand."

The article was alleged to be adulterated in that a substance, namely, cottonseed oil containing little or no olive oil and artificially flavored and colored to simulate olive oil, had been substituted wholly or in part for the article.

It was alleged to be misbranded in that it was an imitation of another food, and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; in that the label contained representations in Italian and the information required by or under authority of the law to appear on the label did not appear thereon in Italian; in that it was fabricated from two or more ingredients, and its label did not bear the common or usual name of each ingredient; and in that it con-



tained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On October 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1665. Adulteration and misbranding of oil. U. S. v. 31 Cans of Oil. Default decree of condemnation and destruction. (F. D. C. No. 3343. Sample No. 34833-E.)**

This product was an artificially flavored and colored oil similar to soybean oil, containing little or no olive oil. It contained two colors, one unpermitted and one permitted in drugs and cosmetics but not in food. It was adulterated and misbranded as indicated below.

On November 12, 1940, the United States attorney for the Northern District of New York filed a libel against 31 cans of oil at Whitehall, N. Y., alleging that the article had been shipped in interstate commerce on or about July 5, 1940, by the Catania Importing Co. from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panels) "La-Spagnola Brand Oil 78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil."

The article was alleged to be adulterated in that an artificially flavored and colored oil similar to soybean oil, containing little or no olive oil, had been substituted wholly or in part for 78 percent cottonseed oil and 22 percent olive oil, which it purported to be; in that its inferiority had been concealed by the addition of artificial flavor and color; in that artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with the regulations provided by law.

It was alleged to be misbranded in that the wording and design of the label was false and misleading since they conveyed the impression that it was of foreign origin; in that the statement "78% Choice Cottonseed Salad Oil 22% Pure Imported Italian Olive Oil" was false and misleading as applied to artificially flavored and colored oil similar to soybean oil, containing little or no olive oil; in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and in that it contained artificial flavoring and artificial coloring and the label did not state that fact.

On January 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1666. Adulteration and misbranding of olive oil. U. S. v. 89 Gallon Cans, 2 Half-Gallon Cans, and 23 Quart Cans of Olive Oil. Default decree of condemnation and order that samples be delivered to the Government; remainder ordered distributed to charitable institutions. (F. D. C. No. 3400. Sample Nos. 34671-E to 34676-E, incl.)**

This product was represented in its labeling as olive oil, but it consisted essentially of cottonseed oil and contained little or no olive oil. The product in 87 of the 89 gallon cans contained artificial flavoring, and that in the remaining 2 gallon cans contained artificial coloring.

On or about November 20, 1940, the United States attorney for the District of Connecticut filed a libel against 89 gallon cans, 2 half-gallon cans, and 23 quart cans of olive oil at Danbury, Conn., alleging that the article had been shipped in interstate commerce on or about August 8, 28, and 30 and September 7, 1940, by Ciroco Oil Co., Inc., from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part variously: (Cans) "Roberta Brand," "Puglia Brand," "Colomba Brand," "Lola Brand," "Italia Brand," or "Superfine Olive Oil A. Sasso."

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil and containing little or no olive oil, a portion of which contained artificial flavoring and a portion of which contained artificial coloring, had been substituted wholly or in part for olive oil, which it purported to be. The portion contained in the gallon cans was alleged to be adulterated further in that inferiority had been concealed by the addition of artificial flavoring or artificial coloring, and in that artificial flavoring or artificial coloring had been added thereto or mixed and packed therewith so as to make it appear better or of greater value than it was.



It was alleged to be misbranded (all lots) in that it was sold under the name of another food. It was alleged to be misbranded further in that the following statements and designs were false and misleading in that they were incorrect: (49 gallon cans) "Pure Olive Oil Imported from Lucca Toscana Italy [design of olive branches and olives] \* \* \*. This Olive Oil is guaranteed to be absolutely pure under chemical analysis [similar statements in Italian] Imported Pure Olive Oil"; (21 gallon cans) "Superfine Pure Olive Oil Imported from Lucca Italy [design of a crown, shield, and olive branches] \* \* \*. This Olive Oil is guaranteed to be absolutely pure under any chemical analysis. Recommended for table use and medicinal purposes [similar statements in Italian] Pure Olive Oil"; (5 gallon cans) "Imported Olive Oil \* \* \* Lucca Toscana Italia [design of an olive tree and olive branches] \* \* \*. This Olive Oil imported from the Italian Riviera is guaranteed to be absolutely pure under any chemical analysis [similar statements in Italian] Pure Imported Olive Oil"; (9 gallon cans) "Superfine Olive Oil \* \* \* Imported Product [design of an olive branch] Pure Olive Oil Imported [similar statements in Italian]"; (3 gallon cans, 2 half-gallon cans, and 23 quart cans) "The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis [similar statements in Italian and design of an olive branch and gold medals] Pure Imported Olive Oil"; (2 gallon cans) "Supreme Olive Oil Imported Lucca Italia [design of olive branches, Italian flag, and shield, and gold medals] \* \* \*. The purity of this Olive Oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses [similar statements in Italian] Imported Pure Olive Oil." The product in the gallon cans was alleged to be misbranded further in that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring (87 cans) and artificial coloring (2 cans), but did not bear labeling stating that fact.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that 1 gallon of the product be delivered to this Agency as a sample and the remainder distributed to charitable institutions. On March 14, 1941, the decree was amended to provide that this Agency be furnished samples from each brand.

**1667. Adulteration and misbranding of olive oil. U. S. v. 19 Cans of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3587, Sample No. 36967-E.)**

This product was represented to be imported olive oil, but consisted essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil.

On December 23, 1940, the United States attorney for the District of Massachusetts filed a libel against 19 cans of olive oil at Quincy, Mass., alleging that the article had been shipped in interstate commerce by Guy Fillippeli from New Rochelle, N. Y., on or about November 15, 1940; and charging that it was adulterated and misbranded. It was labeled in part: "Tivoli Brand Pure Imported Olive Oil."

The article was alleged to be adulterated in that a product consisting essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be. It was alleged to be adulterated further in that inferiority had been concealed by the addition of artificial flavor and artificial color, and in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the picture of olive trees and workers gathering olives and the following statements in the labeling were false and misleading as applied to an article consisting essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil: "Pure Imported Olive Oil"; and "Tivoli Brand olive oil is guaranteed to be one of the finest olive oils. The olive oil contained in this can is pressed from fresh picked ripe and selected olives. It is an absolutely pure product, highly recommended for table use and medical purposes \* \* \* [similar statements in Italian]."

It was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence,



the word "imitation" and, immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On February 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1668. Misbranding of olive oil. U. S. v. 3, 5, and 12 Cases of Oil. Default decree of condemnation and order that samples be delivered to Government and remainder distributed to charitable institutions.** (F. D. C. No. 2649. Sample Nos. 33369-E, 33370-E, 33371-E.)

This product was a mixture consisting essentially of cottonseed oil and an oil other than olive oil, and containing little or no olive oil. All lots contained artificial flavor, and one lot also contained artificial color. All lots were short of the declared volume, and were misbranded further as indicated below.

On or about August 23, 1940, the United States attorney for the District of Connecticut filed a libel against 20 cases of olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about August 6, 1940, by the Jersey Olive Oil Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Sublime Product Pure Olive Oil Gioiosa Brand"; "Roberta Brand Pure Olive Oil"; and "Pulcella Brand Guaranteed Pure Olive Oil."

The article was alleged to be adulterated in that artificially flavored, or artificially flavored and colored mixtures of cottonseed oil, and an oil other than olive oil had been substituted wholly or in part for olive oil; in that inferiority had been concealed by the addition of artificial flavor or artificial flavor and color; and in that artificial flavor or artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statements "One Gallon Net," "Net Contents One Gallon," and "Contents 1 Gallon" on the labels of the various lots, were false and misleading since they were incorrect.

All lots were alleged to be misbranded further in that the wording and design of the labels was false and misleading, since they implied that the article was olive oil of foreign origin. All lots were alleged to be misbranded further in that the article was an imitation of another food and was not labeled as such; in that it was in package form and the labels did not bear an accurate statement of the quantity of contents; in that it was fabricated from two or more ingredients and the labels did not bear the common or usual name of each ingredient; and in that it contained artificial flavoring or artificial flavoring and coloring and did not bear labeling stating that fact.

It was alleged to be misbranded further in that it was in package form and the labels of a portion did not bear the name and place of business of the manufacturer, packer, or distributor; and the labels of the remainder did not bear the place of business of the distributor.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the marshal deliver one can of the oil to this Agency for use as a sample and distribute the remainder to charitable institutions. On March 14, 1941, the decree was amended to provide for delivery of a sample from each brand to this Agency.

## SACCHARINE PRODUCTS

### CANDY

**1669. Adulteration of candy. U. S. v. Walter T. Hall (Walter T. Hall & Co.) and Eugene Wulfekuhler. Pleas of guilty. Fine of \$350 against each defendant and costs.** (F. D. C. No. 2075. Sample Nos. 63832-D, 63833-D, 66982-D to 66986-D, incl., 84300-D, 85007-D, 85008-D, 85013-D.)

Samples of this product were found to contain rodent hairs, rodent excreta, human hairs, burlap fibers, and nondescript dirt.

On February 14, 1941, the United States attorney for the Southern District of Iowa filed an information against Walter T. Hall trading as Walter T. Hall & Co., Ottumwa, Iowa, and Eugene Wulfekuhler, alleging shipment within the period from on or about November 20, 1939, to on or about February 13, 1940, from the State of Iowa into the States of Illinois, Nebraska, and Missouri of quantities of candy that was adulterated. The article was variously labeled in part: "Hall's Chocolates Tease the Taste"; "Royal Crispies"; "Assorted Halo Jellies";



"Midget Caramels"; "Assorted Banner Choc."; "Handy Case Assortment"; "Crown Clusters"; "Handy Pack Asst."; "Van Pyramids."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 21, 1941, the defendants having entered pleas of guilty, the court imposed a fine of \$350 against each. Costs also were imposed.

**1670. Adulteration of candy. U. S. v. Schuler Chocolates, Inc., and Charles C. Schuler. Pleas of guilty. Fine of \$50 against the corporation and \$50 against Charles C. Schuler. (F. D. C. No. 2979. Sample Nos. 38426-E, 38427-E, 38428-E, 39584-E.)**

Samples of this product were found to contain filth in the form of rodent excreta, rodent hairs, insect fragments, and larvae.

On May 31, 1941, the United States attorney for the District of Minnesota filed an information against Schuler Chocolates, Inc., Winona, Minn., and Charles C. Schuler, alleging shipment within the period from on or about May 13 to on or about October 11, 1940, from the State of Minnesota into the State of Iowa of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance. Portions of the article were labeled in part: "The Fowler Co., Waterloo, Ia. Sugar Loaf Carmel Cream [or "Iced Caramel Cream"]."

On May 31, 1941, a plea of guilty having been entered on behalf of the corporation to counts 1 and 2 and a plea of guilty having been entered by Charles C. Schuler to count 3, the court imposed a fine of \$50 against each defendant. Count 3 was dismissed as to the corporation and counts 1 and 2 were dismissed as to the individual defendant.

**1671. Adulteration of candy. U. S. v. Bernard A. Sennett, Sr. (Sennett Candy Co.). Plea of guilty. Fine, \$450. (F. D. C. No. 2933. Sample Nos. 39297-E to 39300-E, incl., 39421-E to 39431-E, incl.)**

Samples of this product were found to contain various types of filth such as rodent hairs, insect fragments, and whole beetles.

On February 25, 1941, the United States attorney for the Western District of Tennessee filed an information against Bernard A. Sennett, Sr., trading as the Sennett Candy Co., Memphis, Tenn., alleging shipment on or about September 23 and 26, 1940, from the State of Tennessee into the States of Kentucky and Missouri of quantities of candy that was adulterated. The article was labeled variously in part: "Sennett Quality Candies," "Big Boy Sticks," "Mint P-Nut Assorted," "Nifty," "Easy Eater Peanut Bar," "Dizzy Dozen Stick Candy," "Big Bud Sticks," "Special Twist Sticks," "Chow Bar," "Banner Bars," and "Assorted Mint."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 28, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$450.

**1672. Adulteration of candy. U. S. v. Ucanco Candy Co., Inc. Plea of guilty. Fine, \$180 and costs. (F. D. C. No. 2921. Sample Nos. 333-E, 4501-E, 4502-E, 4503-E, 6415-E, 6416-E, 8190-E, 8191-E, 9265-E, 15009-E, 15655-E, 15700-E, 15706-E, 15709-E, 15711-E, 15718-E, 16449-E, 20216-E.)**

This product was contaminated with rodent hairs and excreta, insect fragments, and other foreign material.

On March 28, 1941, the United States attorney for the Southern District of Iowa filed an information against the Ucanco Candy Co., Inc., Davenport, Iowa, alleging shipment by said defendant within the period from on or about March 30 to May 17, 1940, from the State of Iowa into the States of Arkansas, Colorado, Illinois, Minnesota, Missouri, Nebraska, and North Carolina, of candies that were adulterated. They were labeled in part, variously: "Ol' Timer Milk Nut Bar [or "Roll"] 5¢"; "Blu Boy \* \* \* 5¢"; "Nut Balls"; "Clusters"; "Cannon Ball 5¢"; "Ucanco's Nut Balls"; "Extra Special 5¢ \* \* \* Ol' Timer Loaf"; "It's A Darb"; "150 Assorted Caramels."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On March 31, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 on each count, totaling \$180, together with costs.



**1673. Adulteration of candy. U. S. v. 15 Boxes of Candy (and 2 other seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 2382, 2413, 2414. Sample Nos. 14865-E, 14960-E, 14961-E.)

This product contained rodent hairs and insect fragments.

On July 18 and 24, 1940, the United States attorney for the District of New Jersey filed libels against 41 boxes of candy at Camden, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about June 14 to on or about June 28, 1940, by the John B. Arata Co. from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Arata's Cinnamon Potatoes [or "Marshmallow Clams"]."

On July 31, 1941, no claimant having appeared, judgments of condemnation were entered, and the product was ordered destroyed.

**1674. Adulteration of candy. U. S. v. 15 and 11 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3457. Sample Nos. 28545-E, 28546-E.)

This product contained insect fragments and rodent hairs.

On November 30, 1940, the United States attorney for the Eastern District of Virginia filed a libel against twenty-six 5-pound boxes of candy at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about September 23, 1940, by Brookwood Candies, Inc., from Atlanta, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Lamar Chocolate Covered Peppermints [or "Maple Cream Walnuts"]."

On December 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1675. Adulteration of candy. U. S. v. 51 and 11 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3067. Sample Nos. 32255-E, 32256-E.)

This product was insect-infested.

On September 24, 1940, the United States attorney for the District of Arizona filed a libel against 62 boxes of candy at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about February 17, 1940, by the Curtiss Candy Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Wrapper) "Jolly Jack 5¢"; or "Butterfinger 5¢."

On January 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1676. Adulteration and misbranding of candy. U. S. v. 38 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3103. Sample No. 30096-E.)

This product contained rodent hairs and insect fragments and was short of the declared weight.

On September 28, 1940, the United States attorney for the Western District of Michigan filed a libel against 38 boxes of candy at Benton Harbor, Mich., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by the Di Giorgio Allegretto Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Net Weight 2 Oz. Cherry Cordials 5¢."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that the statement "Net Weight 2 Oz." was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On February 18, 1941, claimant Fiore Di Giorgio, trading as Di Giorgio Allegretto Co., having withdrawn his claim and answer with leave of court, judgment of condemnation was entered and the product was ordered destroyed.



**1677. Adulteration of candy. U. S. v. 25 Boxes, 59 Boxes, and 32 Cans of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 2798, 3003. Sample Nos. 15551-E to 15555-E, incl. 39070-E.)

Samples of this product were found to contain rodent hairs, insect fragments, and human hairs.

On September 11 and 17, 1940, the United States attorney for the Eastern District of Illinois filed libels against 25 boxes of candy at Cairo, Ill., and 59 boxes and 32 cans of candy at East St. Louis, Ill., consigned by the Gilliam Candy Co., alleging that the article had been shipped in interstate commerce within the period from on or about July 17 to on or about August 19, 1940, from Paducah, Ky.; and charging that it was adulterated. The article was labeled in part variously: "5¢ Cat Tails," "5¢ Assorted Bars," "Cello Sally Mint Candies," "5¢ Bacon Slice," "Sticks 1 for 1¢," "Cello Sally Stick."

The article was alleged to be adulterated in that a portion was found to contain insect fragments and rodent hairs and the remainder contained insect fragments, rodent hairs, and human hairs. It was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have been contaminated.

On November 22, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1678. Adulteration of horehound tablets. U. S. v. 14 Cases of Horehound Tablets. Default decree of condemnation and destruction.** (F. D. C. No. 1887. Sample No. 15405-E.)

This product contained rodent hairs.

On April 26, 1940, the United States attorney for the Southern District of Illinois filed a libel against 14 cases of horehound tablets at Quincy, Ill., alleging that the article had been shipped in interstate commerce on or about March 27, 1940, by Walter T. Hall & Co. from Ottumwa, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1679. Adulteration of candy. U. S. v. 17 Boxes and 14 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 2775. Sample Nos. 24262-E, 24263-E.)

This product contained rodent hairs.

On September 9, 1940, the United States attorney for the District of New Jersey filed a libel against 31 boxes of candy at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about August 22, 1940, by the Heidelberger Confectionery Co. from Philadelphia, Pa.; and charging that it was adulterated. The article was labeled in part: "Orange Jelly Bars" and "Famous Chocolate Peppermints."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1680. Adulteration of candy. U. S. v. 46 Boxes and 50 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. Nos. 3471, 3496. Sample Nos. 20733-E, 20734-E, 37302-E, 37303-E.)

This product was contaminated with rodent hairs and insect fragments.

On December 9 and 11, 1940, the United States attorneys for the Western District of South Carolina and the Southern District of Florida filed libels against 46 boxes of candy at Greenville, S. C., and 50 boxes at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about November 1, 2, 5, and 22, 1940, by the Hodges Candy Co. from Milledgeville, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Variety Bars."

On January 8 and 11, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**1681. Adulteration of candy. U. S. v. 39 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2697. Sample No. 36306-E.)**

This product was insect-infested.

On or about August 30, 1940, the United States attorney for the District of Connecticut filed a libel against 39 boxes of candy at New London, Conn., alleging that the article had been shipped in interstate commerce on or about June 24, 1940, by the Hollywood Candy Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Roly Poly One Cent."

On February 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1682. Adulteration of candy. U. S. v. 9 and 12 Tins of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 3590, 3591. Sample Nos. 28137-E, 28139-E.)**

Samples of this product were found to contain rodent hairs and insect fragments.

On December 27, 1940, the United States attorney for the Eastern District of Virginia filed libels against 9 tins of candy at Parksley, Va., and 12 tins of candy at Onley, Va., alleging that the article had been shipped in interstate commerce on or about November 29 and December 5, 1940, by the Wm. T. Kearney Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "High Lustre Confections."

On February 7, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1683. Adulteration of candy. U. S. v. 4, 10, and 10 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3507. Sample Nos. 27508-E, 27509-E, 27510-E.)**

This product contained rodent hairs and insect fragments.

On December 12, 1940, the United States attorney for the Southern District of Indiana filed a libel against 24 cartons of candy at Jeffersonville, Ind., alleging that the article had been shipped on or about October 10, 1940, by N. A. Kroeger & Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled variously in part: "Subway Bars," "Orange & Lemon Slices," or "Kroeger's Jelly Cuts 240."

On February 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1684. Adulteration of candy. U. S. v. 67 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2795. Sample No. 36316-E.)**

This product contained rodent excreta and rodent hairs.

On or about September 14, 1940, the United States attorney for the District of Connecticut filed a libel against 67 boxes of candy at Norwich, Conn., alleging that the article had been shipped in interstate commerce on or about July 23, 1940, by the Liberty Chocolate Co. from Boston, Mass.; and charging that it was adulterated. The article was labeled in part: (Stickers) "Liberty Chocolates Boston."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1685. Adulteration and misbranding of candy. U. S. v. 25 Boxes and 72 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 2669, 2747. Sample Nos. 9651-E to 9656-E, incl.)**

All lots of this product were found to contain rodent hairs; most lots contained insects or insect fragments; and one lot also contained human hairs. One of the lots was short of the declared weight.

On August 24 and September 9, 1940, the United States attorney for the Southern District of Mississippi filed libels against 25 boxes of candy at Hattiesburg, Miss., and 72 boxes of candy at Biloxi, Miss., alleging that the article had been shipped in interstate commerce within the period from on or about



July 15 to on or about August 14, 1940, by the McGraw Candy Co. from Mobile, Ala.; and charging that it was adulterated and misbranded. The article was labeled variously: "Penny Sticks," "1¢ each Peanut Blocks," "Azalea Brand \* \* \* Peanut Bar," and "Peppermint"; (wrappers) "Azalea Brand Candy Mint Stick"; "Bundle Sticks"; or "Cocoanut Bars."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The cocoanut bars were alleged to be misbranded in that the statement "Net wt. 4 ozs. or More" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On November 6, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1686. Adulteration of candy. U. S. v. 79 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 2738. Sample No. 24260-E.)

This product contained insect fragments and rodent hairs.

On September 3, 1940, the United States attorney for the District of New Jersey filed a libel against 79 boxes of candy at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about July 25, 1940, by the F. M. Paist Co. from Philadelphia, Pa.; and charging that it was adulterated. It was labeled in part: (Boxes) "120 Count one cent Each Pin Wheels."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1687. Adulteration of candy. U. S. v. 19 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3595. Sample Nos. 35466-E, 35467-E.)

Samples of this product were found to contain rodent hairs and insect fragments.

On December 26, 1940, the United States attorney for the Western District of Louisiana filed a libel against 19 boxes of candy at Alexandria, La., alleging that the article had been shipped in interstate commerce on or about November 29, 1940, by Salvo & Berdon Candy Co. from Natchez, Miss.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and had been prepared under insanitary conditions.

On January 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1688. Adulteration of candy. U. S. v. 18 Cases and 180 Boxes, and 39 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3240, 3241. Sample Nos. 39298-E to 39300-E, incl., 39421-E to 39431-E, incl.)

Samples of this product were found to contain rodent hairs, insect fragments, cat hairs, and rodent excreta. Five of the items were overweight and one was short weight.

On or about October 22, 1940, the United States attorney for the Eastern District of Missouri filed libels against 18 cases and 219 boxes of candy at Malden, Mo., alleging that the article had been shipped in interstate commerce on or about September 23 and 26, 1940, by the Sennett Candy Co. from Memphis, Tenn.; and charging that all lots were adulterated and that a portion was also misbranded. The product was labeled in part: "5¢ Big Boy Sticks ["Peanut Butter" in some lots] Stick Candy Net Wt. 3 Oz."; "5¢ Nifty Packaged Stick Net Wt. 3 Oz."; "3 Oz. Easy Eater Peanut Bar 5¢"; "Dizzy Dozen Sticks"; "Big Bud 5¢ Net Wt. 3½ Oz."; "1¢ Big Bud Sticks"; "Chow Bar Net Wt. 1½ Oz."; "Net Wt. 2¾ Oz. Banner Bar 5¢"; "2 for 1¢ Stick Candy."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

A portion was alleged to be misbranded in that the following statements, (Big Boy Sticks Mint, Big Boy Sticks P-Nut, Dizzy Dozen Stick Candy, and Dizzy Dozen Stick Candy Mint) "Net Wt. 3 Oz.," and (Big Bud Sticks) "3½ Oz.," were false and misleading since they were incorrect. It was alleged to be



misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On November 23 and 28, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1689. Adulteration of candy. U. S. v. 15 and 5 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3183. Sample Nos. 39283-E, 39284-E.)

A portion of this article contained rodent and cat hairs, and the remainder contained cat hairs, insect fragments, and live insects.

On October 11, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 20 boxes of candy at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about July 22 and August 29, 1940, by the Velma Lee Candy Co. from Shreveport, La.; and charging that it was adulterated. The article was labeled in part: "100 Jumbo Mint" or "100 Jumbo Peanut Butter."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1690. Adulteration and misbranding of candy. U. S. v. 46 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 2717. Sample Nos. 33530-E, 33531-E, 33862-E.)

One lot of this product was artificially flavored and colored, one lot was artificially flavored, and one lot was flavored with essential oil. Furthermore, the candy occupied only about 75 percent of the volume of the packages.

On September 3, 1940, the United States attorney for the District of New Jersey filed a libel against 46 boxes of candy at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 8, 1940, by Cocilana, Inc., from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "[Design of fruits] Pineapple [or "Raspberry" or "Peppermint"] Fruit Nips."

It was alleged to be adulterated in that substances, namely, artificially flavored and colored candy in the case of the "Raspberry," artificially flavored candy in the case of the "Pineapple," and candy flavored with essential oil in the case of the "Peppermint" had been substituted for candies containing substantial proportions of fruit as the name "Fruit Nips" implied. The Raspberry Fruit Nips were alleged to be adulterated further in that inferiority had been concealed by the addition of artificial color.

Misbranding was alleged in that the names "Raspberry [or "Pineapple" or "Peppermint"] \* \* \* Fruit Nips" and the designs of fruits appearing prominently on the display carton and label of the retail packages, were false and misleading as applied to candies which were artificially flavored or flavored with essential oil and which did not contain a substantial amount of fruit. Misbranding was alleged for the further reason that the article was offered for sale under the name of another food, namely, Raspberry (or Pineapple or Peppermint) Fruit Nips; and in that its containers were so made, formed, or filled as to be misleading.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**1691. Misbranding of candy. U. S. v. 213 and 32 Packages of Candy. Default decree of condemnation and sale.** (F. D. C. Nos. 3189, 3190. Sample No. 20959-E.)

This product was short of the declared weight, and the label failed to bear the common or usual name of each ingredient.

On October 15, 1940, the United States attorney for the Northern District of Georgia filed libels against 245 packages of candy at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by Russell McPhail from Jacksonville, Fla.; and charging that it was misbranded. It was labeled in part: (Boxes) "Russell McPhail Home Made Candies."

It was alleged to be misbranded (1) in that the statement "One Pound Net" was false and misleading since it was incorrect; (2) in that it was in



package form and did not hear an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient.

On November 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be correctly relabeled and sold by the United States marshal.

**1692. Misbranding of candy. U. S. v. 16 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2502. Sample No. 24346-E.)**

The foil box wrapper, box, display sticker, and the visible portion of the bar wrapper of this product designated it as "Milk Chocolate and Almonds," but not until after the folded ends of the bar wrapper were opened and the bar was unwrapped did the ingredients statement become visible. Neither the box nor its foil wrapper bore statements of the quantity of contents and of the ingredients.

On August 7, 1940, the United States attorney for the District of New Jersey filed a libel against 16 boxes of candy at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about July 16, 1940, by Luden's, Inc., from Reading, Pa.; and charging that it was misbranded. It was labeled in part: (Foil wrapping on box) "Frozen Fifth Avenue 5¢ 24-5¢ bars Milk Chocolate & Almonds."

The article was alleged to be misbranded (1) in that the prominent statement "Milk Chocolate and Almonds" on its box wrapper, box, display sticker, and bar wrapper, was false and misleading since it named only two of the ingredients and this was not corrected by the inconspicuous statement of ingredients on the bar wrapper; (2) in that it was in package form and the box wrapper and box did not contain an accurate statement of the quantity of the contents; and (3) in that the name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents and a statement of ingredients, required by law to appear on the label or labeling, were not prominently placed on the bar wrapper with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

The article was alleged to be misbranded further in that it was fabricated from two or more ingredients and the box wrapper and box did not bear the common or usual name of each such ingredient.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**1693. Adulteration of chocolate cherries. U. S. v. 17 Cartons of Chocolate Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3490. Sample No. 55346-E.)**

The boxes containing this product had a capacity of 70 cubic inches. The same quantity of cherries could have been placed in a 58-cubic-inch box. The box did not bear a statement of the ingredients, and other labeling required by law was inconspicuously placed on the end panels.

On December 9, 1940, the United States attorney for the District of Idaho filed a libel against 17 cartons of candy at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about October 2, 1940, by Luden's, Inc., from Reading, Pa.; and charging that it was misbranded. It was labeled in part: (Boxes) "Satin Finish Chocolate Cordial Cherries."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the name and place of business of the manufacturer, and statement of artificial flavoring, artificial coloring, and chemical preservatives, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by an ordinary individual under customary conditions of purchase and use. The article was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## SIRUP AND MOLASSES

**1694. Misbranding of sirup and molasses. U. S. v. 6 Cases of Sirup and 8 Cases of Molasses. Default decree of condemnation and destruction.** (F. D. C. No. 4200. Sample Nos. 59119-E, 59120-E.)

These products were both short of the declared weight; and the product labeled "Molasses" was found to consist of a mixture of corn sirup and molasses.

On or about April 2, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 6 cases of sirup and 8 cases of molasses at Newport News, Va., alleging that the articles had been shipped in interstate commerce on or about October 19, 1940, and February 28, 1941, by Egerton Bros., Inc., from Baltimore, Md.; and charging that they were misbranded. The articles were labeled in part: "East-Lake Syrup Contents 2 Lbs. 8 Ozs." or "Powell No. 1 Molasses \* \* \* Net Weight 2 Lbs. 8 Oz." The label of the molasses bore the word "Molasses" in large conspicuous type in three places on the label and the words "A blend of corn syrup and West India Muscovado Molasses" in relatively inconspicuous type. The molasses was labeled further: "Our Finest Table Molasses Porto Rico Style."

The molasses was alleged to be misbranded in that the statements "No. 1 Molasses," "Finest Table Molasses," and "Porto Rico Style," were false and misleading as applied to a mixture of corn sirup and molasses.

Both products were alleged to be misbranded in that the statements (sirup) "Contents 2 Lbs. 8 Ozs." and (molasses) "Net Weight 2 Lbs. 8 Ozs." were false and misleading since they were incorrect; and in that they were in package form and did not bear accurate statements of the quantity of contents.

On April 21, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

## FLAVORS

**1695. Adulteration and misbranding of lemon extract. U. S. v. 60 Cases of Lemon Extract. Default decree of condemnation and destruction.** (F. D. C. No. 3224. Sample No. 20277-E.)

The essential oil contained in this product did not have the characteristics of lemon oil, the essential oil which should be present in lemon extract. The product was also deficient in citral and was short of the declared volume.

On October 17, 1940, the United States attorney for the Middle District of Georgia filed a libel against 60 cases, each containing 24 bottles, of lemon extract at Fort Benning, Ga., alleging that the article had been shipped by the La Salle Manufacturing Co. from Chicago, Ill., on or about September 6, 1940; and charging that it was adulterated and misbranded. It was labeled in part: "Cook's Pride Pure Lemon Extract 8 Fl. Ozs."

The article was alleged to be adulterated in that a substance, namely, a mixture of alcohol, water, and flavoring oil deficient in citral had been substituted for lemon extract, which is a solution of alcohol and water containing lemon oil.

It was alleged to be misbranded in that the statement "Pure Lemon Extract" was false and misleading when applied to a mixture of alcohol, water, and flavoring oil deficient in citral; in that the statement "8 Fl. Ozs." was false and misleading since it was incorrect; in that it was offered for sale under the name of another food; in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; and in that it was in package form and it did not bear a label containing an accurate statement of the quantity of the contents.

On January 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1696. Misbranding of lemon extract. U. S. v. 214 Cartons of Lemon Extract. Default decree of condemnation and destruction.** (F. D. C. No. 2991. Sample No. 34353-E.)

This product was short of the declared volume. The containers were also deceptive since the cartons were about 1 inch taller than the bottle.

On September 17, 1940, the United States attorney for the Eastern District of New York filed a libel against 214 cartons of lemon extract at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1940, by the Twin City Manufacturing Co. from Norfolk, Va.; and charging that it was misbranded. The article was labeled in part: "Jack Horner Brand Pure Lemon Extract \* \* \* Contents 2 Fluid Ounce."



It was alleged to be misbranded in that the statements (carton) "Contents 2 Fluid Ounce" and (bottle) "2 Ounce," were false and misleading since they were incorrect.

The article was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On April 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1697. Misbranding of vanilla and almond extracts. U. S. v. 4 Cases of Vanilla and 2 Cases of Almond Flavoring. Default decree of condemnation. Products ordered delivered to a charitable institution. (F. D. C. No. 1985. Sample Nos. 10919-E, 10920-E.)**

The bottles containing these products were  $1\frac{9}{32}$  inches at the bottom and tapered to 1 inch at the shoulders. The necks were unnecessarily long. The bottles occupied on an average less than 50 percent of the cartons.

On May 17, 1940, the United States attorney for the District of New Jersey filed a libel against 4 cases of vanilla extract and 2 cases of almond extract at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about February 23 and April 3, 1940, by Fred Fear & Co. from Brooklyn, N. Y.; and charging that they were misbranded in that their containers were so made, formed or filled as to be misleading. The articles were labeled in part: "Morrow's Pure Extract Vanilla [or "Almond"] \* \* \* Prepared by Morrow Extract Corp. New York, N. Y."

On February 21, 1941, no claimant having appeared, judgment was entered nunc pro tunc as of June 19, 1940, condemning the products and ordering that they be delivered to a charitable institution.

### SPICES

**1698. Misbranding of spices and tartaric acid. U. S. v. 2½ Gross Boxes of Cloves, 2 Gross Boxes of Tartaric Acid, and 5 Gross Boxes of Caraway Seeds. Default decree of condemnation and destruction. (F. D. C. No. 1942. Sample Nos. 10916-E, 10917-E, 10918-E.)**

The paper bag containing the cloves occupied less than 65 percent of the height of its carton, the carton containing the tartaric acid was filled to less than 30 percent of its height, and the paper bag containing the caraway seeds occupied only about 45 percent of the height of its carton.

On May 9, 1940, the United States attorney for the District of New Jersey filed a libel against 2½ gross boxes of cloves, 2 gross boxes of tartaric acid, and 5 gross boxes of caraway seeds at Newark, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about March 1 to on or about April 10, 1940, by the Safe Owl Products, Inc., from Brooklyn, N. Y.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled variously: "Uco Brand \* \* \* Whole Cloves [or "Caraway Seeds"] Uco Corporation Newark, N. J."; "Safe Owl Brand \* \* \* Pure Sour Salt (Tartaric Acid)."

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1699. Misbranding of celery seed and cardamon seed. U. S. v. 10 Cases of Celery Seed and 2 Cases of Cardamon Seed. Default decree of condemnation and destruction. (F. D. C. No. 3119. Sample Nos. 26612-E, 26613-E.)**

The wax paper envelope containing the celery seed occupied on an average about 72.5 percent of the package and the cardamon seed occupied on an average about 62 percent of the package.

On October 1, 1940, the United States attorney for the Western District of Washington filed a libel against 10 cases of celery seed and 2 cases of cardamon seed at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about August 16, 1940, by A. Schilling & Co. from San Francisco, Calif.; and charging that they were misbranded in that the containers were so made, formed, or filled as to be misleading.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1700. Misbranding of saffron. U. S. v. 445 Cans of Saffron. Default decree of condemnation and destruction.** (F. D. C. No. 3421. Sample No. 52452-E.)

Each of the cans in which this product was packed bore an inconspicuous statement that it contained 45 grains of saffron, but in fact it contained only an average of 28.5 grains of saffron. Moreover, this product occupied only about 40 percent of the space in the can.

On December 2, 1940, the United States attorney for the District of Montana filed a libel against 445 cans of saffron at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by the Gillett Saffron Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Gillett's Imported Saffron 45 Gr. Net Wt."

The article as alleged to be misbranded (1) in that the statement "45 Gr. Net Wt.," appearing on the cans, was false and misleading since it was incorrect; (2) in that it was in package form and the label did not contain an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; (3) in that the quantity of contents statement required by law, was not placed on the label prominently with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render said statement likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and (4) in that the containers were so made, formed, and filled as to be misleading.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



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Chicken, canned	1653	butter	1661
soup	1654	Peas, canned	1617-1620
Clams, canned	1599	Pecan pieces	1659
Cloves	1698	Perch, frozen	1578-1580
Codfish, frozen	1581	Pineapple, canned	1616
Corn flakes, confectioner's	1536	Pollock, frozen	1574
Corn meal	1520-1524	Poultry	1644-1653
Cottonseed cake and meal. <i>See</i> Cottonseed products.		Pretzel sticks	1538
products	1539, 1540	Prunes	1633, 1634
Crab meat	1584, 1585	Raisins	1635-1643
cocktails	1586	Rye flour	1518, 1519
Cream of Maize	1536	Saccharine products	1669-1694
Cusk, frozen	1581	Saffron	1700
Dairy products	1542-1559	Salmon, canned	1570
Dates	1632	frozen	1583
Dina-Mite cereal	1537	Self-rising flour	1517
Dog food	1655	Shorts, wheat gray, and screenings	1541
Eggs	1559-1568	Shrimp cocktail	1586
Feed	1539-1541	frozen	1587-1598
Fisheries products	1569-1603	Sirup, table	1694
Flavors	1695-1697	Soup, chicken	1654
Flour	1505-1519	Spaghetti	1527, 1531
Fox feed	1645	Spices	1698-1700
Fruit(s) and vegetable(s) —		Spredon	1631
canned	1606-1620	Strawberries, frozen	1621, 1622
dried	1632-1643	Tartaric acid	1698
fresh	1604, 1605	Tea bags	1501
frozen	1621, 1622	Tomato(es) —	
juices	1502-1504	catsup	1623, 1626, 1627
products	1630, 1631	juice	1503, 1504
tomatoes and tomato products	1503, 1504, 1623-1629	paste	1625
Grapefruit juice	1502	puree	1623, 1624, 1628
Haddock, frozen	1574-1577	sauce	1629
Hot sauce. <i>See</i> Tomato sauce.		Tuna, canned	1571-1573
		Turkeys	1646-1652
		Vanilla extract	1697
		Whiting, frozen	1582

## SHIPPERS, PROCESSORS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Ahlstrand, H. E. :		Armour & Co. :	
butter	1547	butter	1543, 1550
Alberti Importing & Exporting Co., Inc. :		Armour Creameries :	
olive oil	1663	butter	1543, 1551
Alva Products Co. :		Ashley Creamery :	
oil	1663	butter	1544
Ambos, L. G. :		Atlantic Fish Co. :	
shrimp, frozen	1587, 1588	shrimp, frozen	1589
American Factors, Ltd. :		Aukes, R. E. :	
butter	1556	turkeys, dressed	1647
Anderson, Alfred. <i>See</i> Anderson Creamery Co.		Backman, Charles. <i>See</i> Backman Produce Co. :	
Anderson Creamery Co. :		Backman Produce Co. :	
butter	1542	poultry	1644
Arata, John B., Co. :		Beardsley Creamery :	
candy	1673	butter	1545
Arkansas City Flour Mills :		Beatrice Creamery Co. :	
flour	1505	butter	1554



	N. J. No.		N. J. No.
Bill Rice Products:		El Solyo Ranch:	
grapefruit juice-----	1502	raisins-----	1637
Black Bros.:		Embassy Grocery Corp.:	
pecan pieces-----	1659	huckleberries, canned-----	1615
Body, B. H., Inc.:		Emm-An-Cee Co.:	
tomato sauce-----	1629	cheese, grated-----	1558
Boundary Creamery:		Emma Creamery Co.:	
butter-----	1546	butter-----	1553
Boverie, Clem.:		Encinas, R.:	
butter-----	1559	shrimp, frozen-----	1591
shell eggs-----	1559	Eshelman, J. W., & Sons:	
Boyer Grocery Co., Inc.:		corn meal-----	1520
peas, canned-----	1617	Fargo Creamery & Produce Co.:	
Brookwood Candies, Inc.:		eggs, frozen-----	1564
candy-----	1674	Farmers Cooperative Mercantile Co.:	
California Fruit Products, Ltd.:		flour-----	1508
Spredon-----	1631	Farmers Creamery:	
California Marine Curing & Packing		butter-----	1547
Co.:		Fear, Fred, & Co.:	
mackerel, canned-----	1569	household flavors-----	1697
California Packing Corporation:		Fernholz, J. J.:	
prunes-----	1634	butter-----	1549
California Prune & Apricot Growers		Fillippeli, Guy:	
Assoc.:		olive oil-----	1667
raisins-----	1635	Firmino, A.:	
Canaan, R. M. See Canaan, Ray, Co.		shrimp, frozen-----	1592
Canaan, Ray, Co.:		Fisher, A. G.:	
crab meat-----	1584	shrimp, frozen-----	1592
Canadian Mill & Elevator Co.:		Food Fair, Inc.:	
flour-----	1506	pretzel sticks-----	1538
Canepa, John B., Co.:		Forty-Fathom Fish, Inc.:	
macaroni and spaghetti-----	1531	perch, frozen-----	1579
Cape Fish Co.:		Fowler Co.:	
perch, frozen-----	1578	candy-----	1670
Cara Donna Packing Co.:		Frazier Packing Corporation:	
olive oil-----	1664	tomato catsup-----	1626
Catania Importing Co.:		Fresno Macaroni Mfg. Co.:	
olive oil-----	1665	macaroni products-----	1528
Cesaroni, J. A.:		Furr, C. W. See Furr Food Stores.	
shrimp, frozen-----	1590	Furr Food Stores:	
Christensen Products Corporation:		butter-----	1559
grapefruit juice-----	1502	eggs-----	1559
Ciocco Oil Co., Inc.:		Furr, Key. See Furr Food Stores.	
olive oil-----	1666	Furr, Roy. See Furr Food Stores.	
Cocilana, Inc.:		Genoa Fisheries:	
candy-----	1690	haddock, frozen-----	1577
Coleman Son Co.:		Gillett Saffron Co.:	
haddock, frozen-----	1575	saffron-----	1700
Commodore Seafoods Co.:		Gilliam Candy Co.:	
crab meat cocktail-----	1586	candy-----	1677
shrimp cocktail-----	1586	Glantz, Paul:	
Consolidated Packing Co.:		turkeys, dressed-----	1648
raisins-----	1642	Gloucester Fresh Fish Co.:	
Corlis, Vernon:		fish, frozen-----	1576, 1578
huckleberries-----	1604	Gloucester Seafoods Corporation:	
Crete Mills:		fish, frozen-----	1580, 1582
wheat gray shorts and screenings--	1541	Goddard, Geo. W., Co.:	
Cross, Frank:		cherries, canned-----	1608
shrimp, frozen-----	1588	Golden Gate Macaroni Co.:	
Curtiss Candy Co.:		macaroni-----	1525
candy-----	1675	Goldmark, Adolph, & Sons Corp.:	
Decatur Milling Co.:		tuna, canned-----	1571
Cream of Maize-----	1536	Gomez, Frank:	
Delta County Canning Co.:		shrimp, frozen-----	1592
tomato products-----	1623	Comperts, Jack. See Gomperts, Jack,	
Di Giorgio Allegretto Co.:		& Co.	
candy-----	1676	Gomperts, Jack, & Co.:	
Dina-Mite Food Co.:		peaches, canned-----	1606
Dina-Mite cereal-----	1537	Goodrich & Searcy:	
Dixie Portland Flour Co.:		turkeys, dressed-----	1651
flour-----	1507	Gorton-Pew Fisheries Co., Ltd.:	
Dize, A. E.:		perch, frozen-----	1579
oysters-----	1600	Great Atlantic & Pacific Tea Co.:	
Dryden, Carol. See Dryden, Carol,		haddock, frozen-----	1576
& Co.		Griffiths, J. S., Co.:	
Dryden, Carol, & Co.:		butter-----	1546
oysters-----	1600	Grillo, Joe:	
East End Fish & Oyster Co.:		olive oil-----	1662
crab meat-----	1585	Gross Bros., Inc.:	
Egerton Bros., Inc.:		rye graham flour-----	1519
molasses-----	1694	Guggenlime & Co.:	
sirup, table-----	1694	raisins-----	1638
El Encanto Vineyards:		Guilford Packing Co.:	
raisins-----	1636	clams, canned-----	1599
El Mar Packing Co.:		Haas, Baruch & Co.:	
raisins-----	1636	chicken, canned-----	1653



Hall, W. T.:	N. J. No.	Lyon County Creamery:	N. J. No.
candy-----	1669	butter-----	1548
Hall, Walter T., & Co.:		Machado, Jean:	
candy-----	1669, 1678	shrimp, frozen-----	1592
Hamilton & Co.:		Maine Tea Co.:	
mackerel, canned-----	1569	tea bags-----	1501
Hansen, A. H.:		Mason, Ehrman & Co.:	
tuna, canned-----	1571	tomato juice-----	1503, 1504
Haserot Co.:		McGraw Candy Co.:	
cherries, canned-----	1609	candy-----	1685
Heidelberger Confectionery Co.:		McPhail, Russell:	
candy-----	1679	candy-----	1691
Hepworth, A. C.:		Metzendorf Bros., Inc.:	
butter-----	1546	flour-----	1513
Heyd, C. G., & Co.:		Midfield Packers:	
butter-----	1542	huckleberries, canned-----	1613, 1614
Higgins, Wm. A., & Co.:		Miller, Walter:	
Brazil nuts-----	1656, 1657	turkeys, dressed-----	1650
Hodges Candy Co.:		Minot Flour Mill Co., Inc.:	
candy-----	1680	flour-----	1511
Hollywood Candy Co.:		Mione Packing Co.:	
candy-----	1681	chicken, canned-----	1653
Hopkins, E. F.:		Moriera, Paul:	
shrimp, frozen-----	1593	shrimp, frozen-----	1588
Houston National Bank:		Morrow Extract Corporation:	
raisins-----	1643	household flavors-----	1697
Hunter, Walton & Co.:		Mukai & Son:	
butter-----	1547	strawberries, frozen-----	1622
Idaho Egg Producers:		Napoleon Creamery:	
eggs, frozen-----	1565	butter-----	1549
Independent Grocers Alliance		National Food Products Co.:	
Distributing Co.:		macaroni-----	1526
tomato juice-----	1503	National Milling Co.:	
Italian Mercantile Grocery &		flour-----	1512
Manufacturing Co.:		Newbauer & Schmale:	
egg noodles-----	1535	clams, canned-----	1599
Jennison, W. J., Co.:		New England Fillet Co.:	
flour-----	1509	perch, frozen-----	1580
Jersey Olive Oil Co.:		New Richland Produce Co.:	
olive oil-----	1668	poultry-----	1645
Kansas Milling Co.:		Noe, M. T.:	
self-rising flour-----	1517	shrimp, frozen-----	1595
Kasco Mills, Inc.:		Olympia Canning Co.:	
corn meal-----	1521	huckleberries, canned-----	1615
Katz, A.:		Pacific Food Products Co.:	
rye graham flour-----	1518	apple butter-----	1630
Kearney, Wm. T., Co.:		Pacific Raisin Co., Inc.:	
candy-----	1682	raisins-----	1639
Keller & Chandler:		Pacific Salmon Sales:	
tomato catsup-----	1627	salmon, canned-----	1570
Kelley Farquhar Co.:		Packer Products Co.:	
strawberries, frozen-----	1621	Set-Up Dog Food-----	1655
Kelley, H. E.:		Paist, F. M., Co.:	
peas, canned-----	1618	candy-----	1686
Kentucky Macaroni Co.:		Patterson, William S., Co., Inc.:	
egg noodles-----	1534	tea bags-----	1501
Kiewiet, N.:		Pavich, Steve:	
turkeys, dressed-----	1649	crab meat-----	1585
King Foods Co.:		Perry Canning Co.:	
peas, canned-----	1617	tomato puree-----	1628
Kitchen Products, Inc.:		Pilley, Frank, & Sons, Inc.:	
hot sauce-----	1629	butter-----	1548
Kroeger, N. A., & Co.:		Portland Fish Co.:	
candy-----	1683	salmon, frozen-----	1583
L. A. Nut House:		Pruitt, H. A. See Pruitt Produce Co.	
dates-----	1632	Pruitt Produce Co.:	
L. A. Pacific Macaroni Co.:		turkeys-----	1646
egg noodles-----	1532	Puget Sound Butter & Egg Co.:	
Lakeside Fish & Oyster Co.:		butter-----	1552
haddock, frozen-----	1574	Pure Food Manufacturing Co.:	
Larabee Flour Mills Co.:		strawberries, frozen-----	1622
flour-----	1510	Quaker Oats Co.:	
La Rosa, V., & Sons, Inc.:		corn meal-----	1524
macaroni-----	1530	Ramos, J. S.:	
La Salle Manufacturing Co.:		shrimp, frozen-----	1596
lemon extract-----	1695	Ravarino & Freschi, Inc.:	
Lassen-Jackman Milling Co.:		macaroni and cheese dinner-----	1529
self-rising flour-----	1517	Recorg Supply Corporation:	
Liberty Chocolate Co.:		tomato catsup-----	1623
candy-----	1684	Red Line Commercial Co., Inc.:	
Liberty Fish Co.:		Brazil nuts-----	1658
shrimp, frozen-----	1594	Red & White Corporation:	
Loveland Canning Corporation:		tomato sauce-----	1629
cherries, canned-----	1610	Reed, W. P.:	
Luden's, Inc.:		tomato puree-----	1624
candy-----	1692, 1693		



	N. J. No.		N. J. No.
Rhodes Ranch Egg Co.:		Stockton Food Products Co.:	
eggs-----	1560	tomato sauce-----	1629
Ribiero, V.:		Stone-Hall Co.:	
shrimp, frozen-----	1588	tomato products-----	1623
Rolison, L. R.:		Suffolk Peanut Co.:	
butter-----	1545	peanuts-----	1660
Romine, J. W.:		Sunde, Harold:	
poultry-----	1645	poultry-----	1645
Rothenberg, Herman. <i>See</i> Rothenberg		Sunland Sales Cooperative Assoc.:	
& Schneider Bros., Inc.		raisins-----	1640
Rothenberg & Schneider Bros., Inc.:		Superior Macaroni Co.:	
eggs, frozen-----	1561	macaroni and spaghetti-----	1527
Roundup Grocery Co.:		Swift & Co.:	
cherries, canned-----	1611	butter-----	1557
Royal Canning Corporation:		eggs, frozen-----	1562, 1566
tomato juice-----	1503, 1504	Swoboda, Robert. <i>See</i> Swoboda Whole-	
Rush Fish Co.:		sale Grocery.	
codfish, frozen-----	1581	Swoboda Wholesale Grocery:	
Safe Owl Products, Inc.:		corn meal-----	1523
spices-----	1698	Temple Cotton Oil Co.:	
tartaric acid-----	1698	cottonseed meal-----	1540
Salvador, S.:		Travers Bros. Co.:	
shrimp, frozen-----	1592	oysters-----	1602
Salvo & Berdon Candy Co.:		Tri-State Milling Co.:	
candy-----	1687	flour-----	1514
San Carlos Canning Co.:		Tsagaris, J.:	
mackerel, canned-----	1569	shrimp, frozen-----	1592
Sandpoint Creamery Co.:		Turlock Cooperative Growers:	
butter-----	1552	tomato paste-----	1625
Sasso, A.:		Twin City Manufacturing Co.:	
olive oil-----	1666	lemon extract-----	1696
Schilling, A., & Co.:		Ucanco Candy Co., Inc.:	
cardamon seed-----	1699	candy-----	1672
celery seed-----	1699	Uco Corporation:	
Schneider, Solomon:		spices-----	1698
eggs, frozen-----	1561	Ulman, D.:	
Schuler, C. C. <i>See</i> Schuler Choco-		raisins-----	1641
lates, Inc.		Union Fish Co.:	
Schuler Chocolates, Inc.:		oysters-----	1603
candy-----	1670	shrimp, frozen-----	1598
Sea Foods Corporation:		Union Premier Stores, Inc.:	
tuna, canned-----	1572	pretzel sticks-----	1538
Sennett, B. A., Sr.:		Union Shrimp Co.:	
candy-----	1671	shrimp, frozen-----	1588, 1589
Sennett Candy Co.:		Valley Produce Co.:	
candy-----	1671, 1688	turkeys-----	1652
Serra, Arthur, & Co.:		Val Vita Food Products, Inc.:	
pineapple, canned-----	1616	apricots, canned-----	1607
Serra, D.:		Velma Lee Candy Co.:	
shrimp, frozen-----	1592	candy-----	1689
Sessions Co.:		Versaggi, S., Sons:	
peanut butter-----	1661	shrimp, frozen-----	1592
Silver, Wm., & Co.:		Waldbaum, S. & W., Inc.:	
peas, canned-----	1619	butter-----	1545
Skinner Manufacturing Co.:		Weems Seafood Co.:	
egg noodles-----	1533	oysters, canned-----	1601
Sloat, L. S.:		White Pine Canning Co.:	
tomato puree-----	1624	tomato puree-----	1624
Smith, A.:		Whitney, J. H., Co.:	
shrimp, frozen-----	1597	salmon, canned-----	1570
Smith, J. Allen, & Co.:		Wichita Flour Mills Co.:	
self-rising flour-----	1517	flour-----	1515
Southern Maid Dairies, Inc.:		Wilkins-Rogers Milling Co., Inc.:	
butter-----	1555	flour-----	1516
Southgate Brokerage Co., Inc.:		Wilson & Co.:	
peas, canned-----	1620	egg whites, frozen-----	1568
Southland Cotton Oil Co.:		eggs, frozen-----	1563, 1567
cottonseed cake and meal-----	1539	Winchester Dried Fruit Co.:	
Staley Milling Co.:		prunes-----	1633
corn meal-----	1522	Woods Cross Canning Co.:	
Stanard-Tilton Milling Co.:		cherries, canned-----	1612
flour-----	1513	Wulfekuhler, Eugene:	
Stank, Stella:		candy-----	1669
blueberries-----	1605	Zimmer & Dunkak, Inc.:	
Stidd's, Inc.:		butter-----	1544, 1549
chicken soup-----	1654		



















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FEDERAL SECURITY AGENCY  
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1701-1900  
FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., November 3, 1941.

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BEVERAGES AND BEVERAGE MATERIALS

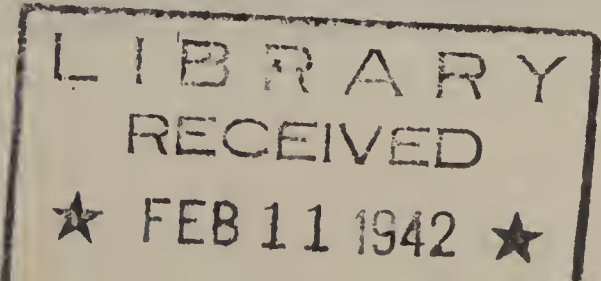
TEA

1701. Misbranding of tea. U. S. v. 115 Boxes of Tea. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3581. Sample No. 37417-E.)

This product occupied on an average less than two-thirds of the volume of its wax paper lined cartons.

On December 26, 1940, the United States attorney for the Western District of North Carolina filed a libel against 115 boxes of tea at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about September 28 and November 23, 1940, by the Dwinell-Wright Co. from Boston, Mass.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Cartons) "Dixie Home Orange Pekoe and Pekoe Tea."

On February 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.





## CHOCOLATE-MALTED MILK

**1702. Adulteration and misbranding of chocolate-malted milk. U. S. v. 38 Cans of Chocolate-Flavored Malted Milk. Default decree of condemnation and destruction. (F. D. C. No. 3879. Sample No. 36767-E.)**

This product was deficient in malted milk and contained only approximately one-half the amount of vitamin B declared in the label.

On February 26, 1941, the United States attorney for the District of Massachusetts filed a libel (amended on or about March 11, 1941) against 38 cans of the above-named product at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 13, 1940, by the Richardson Laboratories Co. from Toledo, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Freshman's Vitamized Chocolate Flavored Malted Milk \* \* \* Distributed by Freshman Vitamin Co., Detroit, Mich."

The article was alleged to be adulterated in that a substance consisting essentially of a mixture of sugar, cocoa, wheat germ embryo, a small amount of dried milk, and a small amount of malted milk had been substituted wholly or in part for "Vitamized Chocolate Flavored Malted Milk, Sweetened," which it purported to be; and in that a valuable substance, vitamin B, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statements, "Vitamized Chocolate Flavored Malted Milk, Sweetened" and "Contains not less than 200 international units Vitamin B per ounce" were false and misleading; and in that it was offered for sale under the name of another food.

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FRUIT JUICES

**1703. Adulteration of pineapple juice. U. S. v. 249, 250, and 806 Cases of Pineapple Juice. Default decrees of condemnation and destruction. (F. D. C. Nos. 3397, 3397-A, 3489. Sample Nos. 8213-E, 8214-E, 38433-E.)**

This product contained insect fragments and in some instances moldy pineapple tissues, and it had a taste and odor indicating decomposition.

Between November 18, 1940, and February 14, 1941, the United States attorney for the District of Minnesota filed libels against 1,305 cases of pineapple juice at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about August 7 and 8, 1940, by the Southwest Products Co. from McAllen, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "The Bounty Brand Pineapple Juice."

On January 31 and April 23, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1704. Adulteration of tomato juice. U. S. v. 157 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 3703. Sample No. 20919-E.)**

This product contained excessive mold, indicating the presence of decomposed material.

On January 27, 1941, the United States attorney for the Western District of North Carolina filed a libel against 157 cases of tomato juice at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about August 28, 1940, by the Apte Bros. from Woodside, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Lord Fairfax Brand Tomato Juice."

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1705. Adulteration of tomato juice. U. S. v. 149 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 4022. Sample No. 47415-E.)**

This product was undergoing progressive decomposition and had an unpleasant metallic taste.

On March 25, 1941, the United States attorney for the Northern District of Illinois filed a libel against 149 cases of tomato juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 3,



1940, by the Cedarburg Canneries, Inc., from Cedarburg, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Geoghegan's Delicious Tomato Juice."

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1706. Adulteration of tomato juice. U. S. v. 99 Cases of Tomato Juice. Consent decree of condemnation and destruction.** (F. D. C. No. 3949. Sample No. 47413-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On March 15, 1941, the United States attorney for the Northern District of Illinois filed a libel against 99 cases of tomato juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by the Loudon Packing Co. from Terre Haute, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Bottle) "Joe Grein's Delicious Tomato Juice."

On April 3, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1707. Misbranding of tomato juice. U. S. v. 31 Cases of Tomato Juice. Default decree of condemnation and destruction.** (F. D. C. No. 3953. Sample No. 32870-E.)

This product was short of the declared volume.

On March 13, 1941, the United States attorney for the District of Arizona filed a libel against 31 cases of tomato juice at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about August 12 and September 30, 1940, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Net Contents  $7\frac{1}{4}$  Fld. Ozs. or .21438 liters Val Vita Brand Tomato Juice."

It was alleged to be misbranded in that the statement "Net Contents  $7\frac{1}{4}$  Fld. Ozs. or .21438 liters" was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CEREAL PRODUCTS

### FLOUR

Nos. 1708 to 1711 report the seizure and disposition of flour that was in interstate commerce at the time of examination and was found to be insect-infested at that time. It was not determined in Nos. 1709 and 1710 when such infestation occurred.

**1708. Adulteration of flour. U. S. v. 72 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 2808. Sample No. 35345-E.)

On September 19, 1940, the United States attorney for the Northern District of Florida filed a libel against 72 bags of flour at Pensacola, Fla., alleging that the article had been shipped in interstate commerce on or about August 15, 1940, by the Morten Milling Co. from Dallas, Tex.; and charging that it was adulterated. The article was labeled in part: (Tag) "Texas Best \* \* \* Short Patent Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On March 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1709. Adulteration of flour. U. S. v. 45 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 2316. Sample No. 9238-E.)

This product was found to contain rodent hairs as well as insect fragments.

On July 5, 1940, the United States attorney for the Eastern District of Texas filed a libel against 45 sacks of flour at Athens, Tex., alleging that the article



had been shipped in interstate commerce on or about April 18, 1940, by Shawnee Milling Co. from Shawnee, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was unfit for food. The article was labeled in part: "Mother's Best Flour."

On November 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1710. Adulteration of self-rising flour. U. S. v. 26, 47, 33, and 32 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2501. Sample Nos. 28807-E to 28810-E, incl.)**

On August 13, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against a total of 138 bags of flour at Warrenton, N. C., alleging that the article had been shipped in interstate commerce on or about June 11 and 29, 1940, by the Dan Valley Mills from Danville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Dan Valley \* \* \* Patent Self-Rising Flour."

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. It was destroyed in accordance with said order.

**1711. Adulteration of rye graham flour. U. S. v. 49 Bags, 25 Bags, and 48 Bags of Rye Graham Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 3847, 4990, 4991. Sample Nos. 46470-E, 56579-E, 69531-E.)**

This product contained rodent hairs and excreta as well as insect fragments.

On February 19 and June 27, 1941, the United States attorneys for the Eastern and Southern Districts of New York filed libels against 49 bags of flour at Brooklyn, N. Y., and 73 bags of flour at New York, N. Y., alleging that the article had been shipped within the period from on or about January 10 to on or about May 23, 1941, by Gross Bros., Inc., from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "98 Lbs."

On April 26 and July 18, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### BAKERY PRODUCTS

**1712. Adulteration of baked goods. U. S. v. 19 and 19 Cartons of Cakes (and 3 other seizure actions against baked goods). Default decrees of condemnation and destruction. (F. D. C. Nos. 3540, 3553, 3632, 3705. Sample Nos. 46447-E, 46448-E, 46449-E, 50444-E, 50445-E, 50449-E, 50450-E, 50451-E, 50475-E.)**

Samples of these products were found to contain rodent hairs and insect fragments.

On December 18 and 20, 1940, and January 7 and 27, 1941, the United States attorneys for the Eastern District of Virginia and the Eastern District of New York filed libels against 38 cartons of cakes at Culpeper, Va., 66 bundles each containing 6 cartons of oyster crackers, 22 bundles each containing 12 cartons of salted biscuits, 10 cartons of lemon snaps, and 59 boxes of X-Snaps at Orange, Va., and 31 cartons of cakes at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about August 24, 1940, to on or about January 4, 1941, by the G. L. Baking Co. from Frederick, Md.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On January 28 and April 16, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**1713. Misbranding of cookies. U. S. v. 300 Packages of Cookies. Consent decree of condemnation. Product ordered sold or distributed to charitable institutions, or destroyed. (F. D. C. No. 1718. Sample No. 5103-E.)**

The container holding this product had a false bottom which occupied about one-third the height of the box and which could not be seen until the cookies had been removed.

On March 26, 1940, the United States attorney for the Southern District of Ohio filed a libel against 300 packages of cookies at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February



22, 1940, by the Deer Park Baking Co., Inc., from Chicago, Ill.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Deer-Park Ready to Serve Ice Box Cookies."

On July 6, 1940, upon application of the Deer Park Baking Co., Inc., claimant, the case was ordered transferred from the Southern District of Ohio to the Eastern District of Illinois. On January 9, 1941, the case having come on to be heard before the court and the court having heard the evidence both oral and documentary and having found that the allegations of the libel were true, judgment of condemnation was entered and it was ordered that the product be sold but that if it was not sold and was edible, it be distributed to charitable institutions.

**1714. Adulteration of graham crackers. U. S. v. 837 Bundles of Graham Crackers. Default decree of condemnation and destruction. (F. D. C. No. 4107. Sample No. 29295-E.)**

This product contained rodent hairs and insect fragments.

On March 31, 1941, the United States attorney for the Southern District of Ohio filed a libel against 837 bundles of graham crackers at Cincinnati, Ohio, which had been consigned on or about March 8 and 10, 1941, alleging that the article had been shipped in interstate commerce by the National Biscuit Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Packages) "Excell Graham Crackers."

On April 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1715. Misbranding of pretzels. U. S. v. 216 Cases of Pretzels. Consent decree of condemnation and destruction. (F. D. C. No. 4199. Sample No. 47912-E.)**

This product was represented to be butter pretzels but it contained little, if any, butter; and it was also short of the declared weight.

On April 4, 1941, the United States attorney for the Northern District of Illinois filed a libel against 216 cases of pretzels at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 29, 1941, by Becker Pretzel Bakeries, Inc., from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: "Becker's Toasted Butter Pretzels Net Contents 4 Oz."

It was alleged to be misbranded in that the statement "Butter Pretzels," appearing on the label, was false and misleading as applied to an article containing little, if any, butter. It was alleged to be misbranded further in that the statement "Net Contents 4 Oz.," appearing on the label, was false and misleading since it was incorrect; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On April 9, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**MACARONI PRODUCTS**

**1716. Misbranding of macaroni and spaghetti. U. S. v. 615 Cases of Macaroni and 423 Cases of Spaghetti. Consent decree entered ordering products released under bond to be brought into compliance with the law. (F. D. C. No. 2425. Sample Nos. 16105-E to 16108-E, incl.)**

The packages containing these products were not filled to their capacity; they could have held from 3½ to 6 ounces more.

On July 24, 1940, the United States attorney for the Western District of Oklahoma filed a libel against 615 cases of macaroni and 423 cases of spaghetti at Oklahoma City, Okla., alleging that the articles had been shipped in interstate commerce on or about May 22, 1940, by the Kansas City Macaroni & Importing Co., Inc., from Kansas City, Mo.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Corona Brand Cut Macaroni [or "Spaghetti"] made by the Western Union Macaroni Mfg. Co., Denver, Colo."; or "White Pony Brand Cut Macaroni [or "Spaghetti"] \* \* \* Packed For [or "Dist. by"] Carroll-Brough & Robinson—Oklahoma City, Okla."

On July 26, 1940, Carroll-Brough & Robinson having appeared as claimant and the court having found that the products were misbranded and should be condemned, judgment was entered ordering that they be released under bond conditioned that they should not be disposed of in violation of the law. They were repacked in properly filled and labeled cartons.



**1717. Misbranding of spaghetti and macaroni. U. S. v. 34 Cases of Spaghetti and 199 Cases of Macaroni. Decree of condemnation. Product ordered released for repacking. (F. D. C. No. 2332. Sample Nos. 5671-E, 5672-E.)**

The spaghetti occupied about 44 percent of the capacity of its package and the macaroni about 78 percent of the capacity of its package.

On July 9, 1940, the United States attorney for the Eastern District of Tennessee filed a libel against 34 cases of spaghetti and 199 cases of macaroni at Chattanooga, Tenn., alleging that the articles had been shipped in interstate commerce on or about June 14, 1940, by the Kentucky Macaroni Co. from Louisville, Ky.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Colonial Brand Spaghetti [or "Elbow Macaroni"] Distributed by C. B. Ragland Co."

On July 23, 1940, the Kentucky Macaroni Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to the claimant for repacking in packages meeting all requirements of the law.

### FEED

**1718. Adulteration and misbranding of alfalfa meal. U. S. v. The Lamar Alfalfa Milling Co., a corporation. Case tried to a jury. Verdict of guilty. Fine, \$300. (F. D. C. No. 2868. Sample No. 18488-E.)**

This product was represented to consist wholly of alfalfa meal; whereas it consisted in part of alfalfa stem meal. It contained less protein and more crude fiber than were declared.

On October 31, 1940, the United States attorney for the District of Colorado filed an information against the Lamar Alfalfa Milling Co., Lamar, Colo., alleging shipment on or about May 31, 1940, from the State of Colorado into the State of Kansas of a quantity of alfalfa meal that was adulterated and misbranded.

The article was alleged to be adulterated in that alfalfa stem meal had been substituted in part for alfalfa meal, which it purported to be.

It was alleged to be misbranded in that the statements, "Alfalfa Meal" and "Protein not less than 13 percent \* \* \* Fibre, not more than 33 percent," borne on the tags attached to the sacks, were false and misleading in that they represented that the article consisted wholly of alfalfa meal and contained not less than 13 percent of protein and not more than 33 percent of fiber; whereas it consisted in part of alfalfa stem meal, and contained not more than 11.63 percent of protein, and not less than 35.30 percent of fiber.

On February 26, 1941, the case was tried to a jury which rendered a verdict of guilty. On March 1, 1941, the defendant's motion to set aside the verdict and for a new trial was overruled without opinion, and the court imposed a fine of \$300.

**1719. Misbranding of cottonseed feed. U. S. v. Red River Cotton Oil Co., Inc. Plea of guilty. Fine, \$150. (F. D. C. No. 2098. Sample No. 5985-D.)**

This product contained a smaller percentage of protein than that declared on the label.

On August 1, 1940, the United States attorney for the Western District of Louisiana filed an information against the Red River Cotton Oil Co., Inc., Alexandria, La., alleging shipment on or about February 21, 1940, from the State of Louisiana into the State of Texas of a quantity of cottonseed feed that was misbranded.

The article was alleged to be misbranded in that the statements "41.12% Protein Ground Cotton Seed Feed \* \* \* Guaranteed Analysis Crude Protein not less than 41.12 percent," borne on the tags attached to the sacks containing it, were false and misleading since it contained less than 41.12 percent, namely, not more than 37.90 percent of crude protein.

On December 6, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

**1720. Misbranding of whole pressed cottonseed feed. U. S. v. Washington Cotton Oil Mill, Inc. Plea of guilty. Fine, \$25. (F. D. C. No. 2845. Sample No. 5986-D.)**

This product contained a smaller proportion of crude protein and a larger proportion of crude fiber than those declared.

On October 22, 1940, the United States attorney for the Western District of Louisiana filed an information against the Washington Cotton Oil Mill, Inc.,



Washington, La., alleging shipment on or about February 23, 1940, from the State of Louisiana into the State of Texas of a quantity of cottonseed feed that was misbranded. The article was labeled in part: (Tag) "Whole Pressed Cotton Seed \* \* \* Manufactured For and Guaranteed by Louis Tobian & Co., Dallas, Texas."

It was alleged to be misbranded in that the statements "Crude Protein not less than 28 percent \* \* \* Crude Fiber not more than 23 percent," borne on the tag attached to the sacks, were false and misleading since it contained not more than 25.55 percent of crude protein and not less than 26.52 percent of crude fiber.

On January 28, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

**1721. Adulteration and misbranding of dairy feed. U. S. v. 92 Bags of Dairy Ration. Default decree of condemnation. (F. D. C. No. 4030. Sample No. 17482-E.)**

This product did not contain certain ingredients declared on the label.

On March 26, 1941, the United States attorney for the Northern District of West Virginia filed a libel against 92 bags of dairy ration at Pennsboro, W. Va., alleging that the article had been shipped in interstate commerce on January 10, 1941, by the Herman-McLean Co. from Monroeville, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: (Tag) "100 Lbs. Net Ohio 16% Dairy Ration \* \* \* Ingredients: Cottonseed Meal, Corn Gluten Feed, Soft Winter Wheat Bran, Brewers Grains, Coconut Oil Meal, Soya Bean Oil Meal, Alfalfa Meal, 10% Ground Wheat and Flax Screenings, 10% Oat Mill Feed, Cane Molasses, 1% Calcium Carbonate, 1% Salt."

The article was alleged to be adulterated in that cottonseed meal, corn gluten feed, brewers' grains, coconut oil meal, or oat mill feed, valuable constituents, had been in whole or in part omitted therefrom.

It was alleged to be misbranded in that the following statement was false and misleading, "Ingredients: Cottonseed Meal, Corn Gluten Feed \* \* \* Brewers Grains, Coconut Oil Meal \* \* \* 10% Oat Mill Feed," since it was incorrect.

On April 29, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the 92 bags covered by the libel be destroyed, but that 66 bags which had been seized but which were not covered by the libel be released to the owner.

## DAIRY PRODUCTS

### BUTTER

**Nos. 1722 to 1726**, inclusive, report the institution of criminal proceedings and the judgment entered in actions based on shipments of butter which contained less than 80 percent by weight of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

**1722. Adulteration of butter and poultry. U. S. v. Oliver G. Harp (O. G. Harp Poultry & Egg Co.). Plea of guilty. Fine, \$175 and costs. (F. D. C. No. 2077. Sample Nos. 55173-D, 55175-D, 55305-D, 68465-D, 85738-D, 85739-D, 85740-D, 89409-D.)**

This case also involved shipments of chickens, fowls, and turkeys which were in part emaciated and diseased.

On August 13, 1940, the United States attorney for the Western District of Oklahoma filed an information against Oliver G. Harp, trading as O. G. Harp Poultry & Egg Co. at Shawnee, Okla., alleging shipment within the period from on or about August 7 to on or about December 8, 1939, from the State of Oklahoma into the States of Illinois and New York of quantities of butter and poultry that were adulterated.

The butter was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

The poultry was alleged to be adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry.

On October 11, 1940, the defendant having entered a plea of guilty, the court imposed a fine of \$175 and costs.



**1723. Adulteration of butter. U. S. v. The Eureka Creamery. Plea of guilty. Fine, \$100.** (F. D. C. No. 2930. Sample Nos. 34152-E, 34164-E.)

On February 20, 1941, the United States attorney for the District of South Dakota filed an information against the Eureka Creamery, a corporation at Eureka, S. Dak., alleging shipment on or about September 17 and 21, 1940, from the State of South Dakota into the State of New York of quantities of butter that was adulterated. The article was labeled in part: "Creamery Butter Distributed by Zimmer and Dunkak Inc. New York, N. Y."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On April 7, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

**1724. Adulteration of butter. U. S. v. North American Creameries, Inc. Plea of guilty. Fine, \$45.** (F. D. C. No. 2942. Sample Nos. 10309-E, 33352-E, 33355-E.)

On June 23, 1941, the United States attorney for the District of Minnesota filed an information against North American Creameries, Inc., Paynesville, Minn., alleging shipment on or about August 23, 1939, and August 19 and 21, 1940, from the State of Minnesota into the State of New York of quantities of butter that was adulterated. The article was labeled in part: "Foremost Sales Co. Inc. \* \* \* New York" or "Breakstone Bros. Distributors New York N. Y."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On July 2, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$15 on each of three counts of the information, totaling \$45.

**1725. Adulteration of butter. U. S. v. Arthur D. Gimer (Renwick Community Creamery). Plea of guilty. Fine, \$25 and costs.** (F. D. C. No. 4126. Sample No. 31659-E.)

On June 19, 1941, the United States attorney for the Northern District of Iowa filed an information against Arthur D. Gimer, trading as Renwick Community Creamery at Renwick, Iowa, alleging shipment on or about January 11, 1941, from the State of Iowa into the State of Illinois, of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

On June 19, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$25 with costs.

**1726. Adulteration of butter. U. S. v. Spring Valley Butter Co. Plea of guilty. Fine, \$30 and costs.** (F. D. C. No. 2940. Sample Nos. 16678-E, 16679-E, 16680-E.)

On March 13, 1941, the United States attorney for the Western District of Missouri filed an information against the Spring Valley Butter Co., a corporation, at Kansas City, Mo., alleging shipment on or about August 9 and 12, 1940, from the State of Missouri into the State of Kansas of quantities of butter which was adulterated. The article was labeled in part: "Daisy Maid Brand Country Roll [or "Monogram Creamery"] Butter The Cudahy Packing Co. Distributors."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 21, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$30 and costs.

**1727. Adulteration of butter. U. S. v. 38 Cases of Butter. Consent decree of forfeiture and destruction.** (F. D. C. No. 3665. Sample No. 39878-E.)

Examination of this product showed that it contained mold.

On January 6, 1941, the United States attorney for the Eastern District of Illinois filed a libel against 38 cases of butter at National Stock Yards, Ill., alleging that the article had been shipped on or about December 31, 1940, in a truck of Armour & Co. from St. Louis, Mo., to Armour & Co., National Stock Yards; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: "One Pound Net Goldendale \* \* \* Butter Armour Creameries Distributors."



On February 25, 1941, Armour & Co. having admitted that the product was unfit for food purposes and having consented to the entry of a decree, judgment of forfeiture was entered and it was ordered that the product be destroyed under the supervision of the United States marshal by being converted into soap grease.

**1728. Adulteration and misbranding of butter. U. S. v. 39 Boxes of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3840. Sample No. 31672-E.)**

Examination of this product showed that it was contaminated with filth and that it was also short of the declared weight.

On or about February 7, 1941, the United States attorney for the Northern District of Illinois filed a libel against 39 boxes of butter at Chicago, Ill., alleging that the article had been shipped by Wilson & Co. from Schenectady, N. Y., on January 23, 1941; and charging that it was adulterated and misbranded. It was labeled in part: (Wrappers) "One Pound Net Weight Jes-so country roll. \* \* \* Distributed by Central Markets, Inc. Schenectady, New York."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was alleged to be misbranded in that the statement "One Pound Net Weight" was incorrect; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On May 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1729. Adulteration and misbranding of butter. U. S. v. 9 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 4265. Sample No. 24875-E.)**

Examination of this product showed that it contained filth and was also deficient in milk fat.

On March 31, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 9 cartons of butter at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about March 15, 1941, by the Merchants Creamery Co. from Cincinnati, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Springfield Brand Creamery Butter \* \* \* One Pound Net Weight."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On June 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1730 to 1738, inclusive, report the seizure and disposition of butter that contained less than 80 percent of milk fat.

**1730. Adulteration of butter. U. S. v. 40 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 4838. Sample No. 62212-E.)**

On or about May 16, 1941, the United States attorney for the Northern District of Illinois filed a libel against 40 tubs of butter at Chicago, Ill., alleging that the article had been shipped by Center Milk Products Co. from Maryville, Mo., on or about April 28, 1941; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter The Peter Fox Sons Co. Distributors."

On May 19, 1941, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

**1731. Adulteration and misbranding of butter. U. S. v. 15 Boxes of Print Butter. Consent decree of condemnation and destruction. (F. D. C. No. 4205. Sample No. 31683-E.)**

This product was short weight as well as deficient in milk fat.

On March 3, 1941, the United States attorney for the Northern District of Illinois filed a libel against 15 boxes of print butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 16,



1941, by the Clover Cream Dairy Products Co. from Marshfield, Wis.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Hawthorn Melody Farms Dairy, Highland Park, Illinois."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom, and in that an article containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

The article was alleged to be misbranded in that its labeling was false and misleading in that the statements "1 pound Net Weight" and "One Pound," borne on the label, were incorrect. It was alleged to be misbranded further in that it did not bear a label containing an accurate statement of the quantity of the contents.

On April 9, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1732. Adulteration of butter. U. S. v. 7 Tubs of Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 4839. Sample No. 62217-E.)

On or about May 16, 1941, the United States attorney for the Northern District of Illinois filed a libel against 7 tubs of butter at Chicago, Ill., alleging that the article had been shipped by the Eastman Creamery Co. from Eastman, Wis., on May 1, 1941; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter The Peter Fox Sons Co. Distributors \* \* \* Net Weight 64 Lbs."

On May 16, 1941, Peter Fox Sons Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**1733. Adulteration and misbranding of butter. U. S. v. 50 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for rechurning.** (F. D. C. No. 3657. Sample No. 21783-E.)

On December 12, 1940, the United States attorney for the Territory of Hawaii filed a libel against 50 cases, each containing 60 pounds, of butter at Honolulu, T. H., which had been consigned by the Hawaii Meat Co., alleging that the article had been shipped from San Francisco, Calif., on or about December 6, 1940, arriving at Honolulu on December 11, 1940; and charging that it was adulterated and misbranded. It was labeled in part: (Carton) "Blue Bell Brand Butter Distributed by Argonaut Milk Company \* \* \* San Francisco, Calif."

The article was alleged to be adulterated in that it contained less than 80 percent by weight of milk fat. It was alleged to be misbranded in that its label was false and misleading.

On December 12, 1940, the Hawaii Meat Co., Honolulu, T. H., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond with provisions for reshipment to San Francisco for rechurning under the supervision of the Food and Drug Administration.

**1734. Adulteration and alleged misbranding of butter. U. S. v. 47 Boxes of Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 4827. Sample No. 40665-E.)

On May 15, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 47 boxes, each containing 50 pound prints, of butter at Philadelphia, Pa., alleging that the article had been shipped by Pickwick Creamery from Lamoille, Minn., on or about May 6, 1941; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which labeling was false and misleading since it contained less than 80 percent of milk fat.

On June 3, 1941, Frank Hellerick & Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment was entered finding the product adulterated and ordering its condemnation; and it was ordered further that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.



**1735. Adulteration and misbranding of butter. U. S. v. 8½ Cases of Butter. Consent decree ordering product released under bond to be reconditioned. (F. D. C. No. 4206. Sample No. 52600-E.)**

On February 19, 1941, the United States attorney for the District of Idaho filed a libel against 8½ cases of butter at Wallace, Idaho, alleging that the article had been shipped in interstate commerce on or about February 10, 1941, by the Roundup Grocery Co. from Spokane, Wash.; and charging that it was adulterated and misbranded. The article was labeled in part: "United Purity Stores Extra-Grade Creamery Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On March 14, 1941, Olaf L. Teigen, Spokane, Wash., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond conditioned that it not be disposed of in violation of the law.

**1736. Adulteration and misbranding of butter. U. S. v. 48 Cartons of Butter. Consent decree of condemnation. Product released under bond. (F. D. C. No. 5052. Sample No. 56615-E.)**

On June 16, 1941, the United States attorney for the District of New Jersey filed a libel against 48 cartons, each containing 60 pounds, of butter at Jersey City, N. J., alleging that the article had been shipped on or about June 3, 1941, by Sebeka Cooperative Creamery, Sebeka, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Great A. & P. Tea Co. New York Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement on the label, "Butter," was false and misleading since it was incorrect.

On June 30, 1941, the Sebeka Cooperative Creamery Association, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond to be reworked so that it comply with the law.

**1737. Adulteration of butter. U. S. v. 33 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3295. Sample Nos. 31610-E, 31614-E.)**

On or about October 17, 1940, the United States attorney for the Northern District of Illinois filed a libel against 33 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 28, 1940, by the Spring Valley Dairy from Winterset, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 26, 1940, L. B. Schreiber & Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**1738. Adulteration of butter. U. S. v. 79 Tubs of Butter. Decree of condemnation. Product released under bond. (F. D. C. No. 5051. Sample No. 54119-E.)**

On June 21, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 79 tubs of butter at Philadelphia, Pa., alleging that the article had been shipped on or about June 11, 1941, by Universal Carloading & Dist. Co. from Minneapolis, Minn., through Northwest Dairy Forwarding Co., Duluth, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Frank Hellerick Co., Inc."

On June 30, 1941, Frank Hellerick & Co., Inc., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.



## EGGS

**1739. Adulteration of frozen eggs. U. S. v. 948 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for salvaging of good portion and destruction of unfit portion. (F. D. C. No. 4053. Sample No. 5160-E.)**

This product had been contaminated with filth as the result of a train wreck. When examined, the majority of the cans were without lids, and even the cans which had lids contained considerable foreign material. Particles of coal, dirt, and soot covered the surface of most of the cans examined.

On March 25, 1941, the United States attorney for the Southern District of Ohio filed a libel against 948 cans of eggs at Cincinnati, Ohio, consigned on March 8, 1941, alleging that the article had been shipped in interstate commerce by Bowman & Co. from Carthage, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 5, 1941, the claimant, Standard Brands, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond for salvaging the good portion and destruction of the unfit portion.

**1740. Adulteration of frozen whole eggs. U. S. v. 19 and 97 Cans of Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 3777. Sample Nos. 55765-E, 55766-E.)**

Examination of this product showed the presence of decomposed eggs.

On February 8, 1941, the United States attorney for the District of Oregon filed a libel against 116 cans of whole eggs at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 13 and 27, 1941, by the Commercial Creamery Co. from Spokane, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On March 22, 1941, the Commercial Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

**1741. Adulteration of frozen whole eggs. U. S. v. 73 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 4015. Sample No. 46279-E.)**

Examination of this product showed the presence of decomposed eggs.

On March 19, 1941, the United States attorney for the Eastern District of New York filed a libel against 73 cans of frozen whole eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about December 7, 1940, by Wilson & Co. from Murfreesboro, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1742. Misbranding of frozen egg yolks with sugar. U. S. v. 100 Cans, 80 Cans, and 60 Cans of Frozen Egg Yolks with Sugar. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3341. Sample Nos. 19258-E, 19259-E, 19260-E.)**

The egg yolk in this product did not meet the standard of identity for frozen egg yolks.

On November 6, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 240 cans of frozen egg yolks with sugar at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about September 6 to September 26, 1940, by the Frigid Food Products, Inc.; and charging that it was misbranded. It was labeled in part: "Yolks with Approx. 10% Sugar."

The article was alleged to be misbranded in that the word "Yolk" on the label was false and misleading since the yolk ingredient of the product did not meet the standard of identity for frozen egg yolks.

On November 14, 1940, Frigid Food Products, Inc., having petitioned release of the goods and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.



## FISHERIES PRODUCTS

## SHELLFISH

**1743. Injunction proceedings to restrain shipment in interstate commerce of adulterated crab meat. U. S. v. Paul C. Skrmetta, Sr. (Skrmetta Seafood Co.). Permanent injunction granted. (Sample No. 9026-E.)**

On August 5, 1940, the United States attorney for the Eastern District of Louisiana filed a bill of complaint against Paul C. Skrmetta, Sr., trading as Skrmetta Seafood Co. at New Orleans, La., alleging that from on or about May 14, 1940, to the date of filing the complaint the defendant had been engaged in cooking, picking, preparing, and packing crab meat under insanitary conditions whereby it had become contaminated with filth and might have been rendered injurious to health; that the crab meat so prepared and packed consisted in whole or in part of a filthy animal substance which was unfit for food and was adulterated in violation of the Federal Food, Drug, and Cosmetic Act; and that the food so prepared and packed by the defendant was being offered for interstate shipment and was being shipped in interstate commerce; that various shipments of the defendant's crab meat had been seized by the Government; that it was impossible to sample and examine each and every interstate shipment of crab meat which would be offered for interstate shipment by the defendant; and that, therefore, many shipments of adulterated crab meat would enter interstate commerce without being seized and the purpose of the law would be frustrated unless an injunction issued. The complaint prayed further that a preliminary injunction issue and that after due proceeding the preliminary injunction be made permanent.

On August 6, 1940, the defendant, Paul C. Skrmetta, Sr., made answer to the bill of complaint, admitting the allegations therein and consenting to the issuance of a permanent injunction. On the same date a decree was entered perpetually enjoining and restraining the defendant and all of his officers, representatives, agents, servants, and employees, and all persons acting on his behalf from shipping in interstate commerce adulterated crab meat which he had manufactured or would manufacture in the future.

Nos. 1744 to 1747, inclusive, report the seizure and disposition of oysters that contained added water.

**1744. Adulteration of oysters. U. S. v. 125 and 25 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 3569. Sample Nos. 42311-E, 42312-E.)**

On December 20, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 150 pints of oysters at Dubois, Pa., alleging that the article had been shipped in interstate commerce on or about December 17, 1940, by the Crisfield Packing Co. from Crisfield, Md., and charging that it was adulterated. The article was labeled in part: "M & V Brand Salt Water Oysters."

The article was alleged to be adulterated in that water had been substituted wholly or in part therefor; and in that water had been added thereto so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1745. Adulteration of oysters. U. S. v. 3,200 Pints and 165 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. Nos. 4083, 4084. Sample Nos. 19383-E to 19386-E, incl.)**

On March 28, 1941, the United States attorney for the Western District of Pennsylvania filed libels against a total of 3,365 pints of oysters at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about March 24, 1941, by J. C. Lore & Sons from Solomons, Md.; and charging that it was adulterated in that water had been substituted wholly or in part therefor, and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality and strength, or make it appear better or of greater value than it was.

On April 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**1746. Adulteration of oysters. U. S. v. 45 and 25 Pints of Oysters. Default decree of condemnation and destruction.** (F. D. C. No. 3663. Sample Nos. 19147-E, 19148-E.)

On January 11, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against a total of 70 pints of oysters at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 6, 1941, by W. E. Riggin & Co. from Crisfield, Md.; and charging that it was adulterated in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it was.

On February 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1747. Adulteration of oysters. U. S. v. 130 and 80 Pints of Oysters. Default decree of condemnation and destruction.** (F. D. C. No. 3751. Sample Nos. 19360-E, 19361-E.)

On February 3, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against a total of 210 pints of oysters at Braddock, Pa., alleging that the article had been shipped in interstate commerce on or about January 27, 1941, by Z. Ward & Sons from Crisfield, Md.; and charging that it was adulterated in that water had been substituted wholly or in part for the article, and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On March 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CANNED FISH

**1748. Adulteration of canned salmon. U. S. v. 495 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 3761. Sample No. 35543-E.)

Examination of this product showed the presence of decomposed fish.

On February 4, 1941, the United States attorney for the Southern District of Alabama filed a libel against 495 cases of canned salmon at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about November 29, 1940, by Gavin Bros., Inc., from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Gavin's Alaska Pink Salmon."

On March 7, 1941, John R. King, trading as John R. King & Co., Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**1749. Adulteration of canned salmon. U. S. v. 550 Cases of Salmon. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 3242. Sample No. 52115-E.)

This product had been damaged by fire at the port of origin and was in part decomposed.

On October 18, 1940, the United States attorney for the Western District of Washington filed a libel against 550 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 22, 1940, by Morris Muskattell from Althrop, Alaska; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Peter Pan Brand Alaska Pink Salmon."

On October 30, 1940, Morris Muskattell having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed and the good portion was recanned and labeled "Reprocessed."



**1750. Adulteration of canned salmon. U. S. v. 238 Cases of Canned Salmon. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3762. Sample No. 46460-E.)**

Examination of this product showed the presence of decomposed salmon.

On February 5, 1941, the United States attorney for the Eastern District of New York filed a libel against 238 cases of canned salmon at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by Taylor Edwards Warehouse & Transfer Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "North View Brand Pink Alaska Salmon."

On February 27, 1941, Andrew S. Day, trading as North Pacific Sea Foods Co., Valdez, Alaska, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sorted according to codes, that the codes containing good fish be separated from those containing decomposed fish and that the latter be destroyed or sorted further in order to salvage any good portions, and that any good fish so salvaged be relabeled "Reprocessed." It was provided further that any rejected fish might be disposed of for animal or fish food in lieu of destruction.

**1751. Misbranding of canned salmon. U. S. v. 62 Cases of Canned Salmon. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3593. Sample No. 46035-E.)**

This product was unlabeled when shipped in interstate commerce and invoiced as coho salmon, but subsequent to such shipment, it had been labeled to indicate that it was red salmon.

On December 26, 1940, the United States attorney for the Eastern District of New York filed a libel against 62 cases of canned salmon at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce by C. F. Buelow Co., Inc., from Seattle, Wash.; and charging that it had been shipped unlabeled, invoiced as coho salmon, and labeled by the consignee, and that as so labeled it was misbranded. The label read in part: "Brookline Brand Medium Red Alaska Salmon The Brooklyn Wholesale Grocery Co. Brooklyn, N. Y." The words "Red Alaska Salmon" appeared prominently, while the word "Medium" was inconspicuously stamped on the design of a fish.

The article was alleged to be misbranded in that the prominent statement "Red Alaska Salmon" was false and misleading as applied to coho salmon, and this misleading impression was not corrected by the relatively inconspicuous word "Medium." It was alleged to be misbranded further in that the firm name "Brooklyn Wholesale Grocery Co. Brooklyn, N. Y." was false and misleading, since that firm was not a manufacturer, packer, or distributor. It was alleged to be misbranded further in that it was in package form and failed to bear the name and place of business of the manufacturer, packer, or distributor.

On March 4, 1941, the Sweet Life Food Corporation, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled to show that it was medium red, or coho, salmon and to comply with other labeling requirements of the law.

**1752. Adulteration and misbranding of tuna fish. U. S. v. 86½ Cases of Tuna Fish. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3660. Sample No. 33005-E.)**

This product was not white meat tuna as labeled, but was a yellow-fin tuna or a similar species having light brown or tan-colored flesh.

On January 14, 1941, the United States attorney for the District of New Jersey filed a libel against 86½ cases of tuna fish at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 23, 1940, by Steinhardter & Nordlinger from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Filigree White Meat Tuna Fish Filigree Quality Foods, Inc. Newark, New Jersey Distributors."

The article was alleged to be adulterated in that a substance, yellow-fin tuna or a similar species other than that known as white meat tuna, had been substituted wholly or in part for white meat tuna, which it purported to be. It was alleged to be misbranded in that the statement "White Meat Tuna" was false



and misleading, since it was not white meat tuna; and in that it was offered for sale under the name of another food.

On February 21, 1941, Filigree Quality Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled so that it comply with the requirements of the law.

#### FROZEN FISH

**1753. Adulteration of pike fillets. U. S. v. 39 Cartons of Pike Fillets. Consent decree of condemnation and destruction. (F. D. C. No. 3755. Sample No. 47191-E.)**

Examination of this product showed the presence of decomposed fish.

On February 7, 1941, the United States attorney for the Northern District of Illinois filed a libel against 39 cartons of pike fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 5, 1940, by Cloverdale Products from Mandan, N. Dak.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cartons) "Armstrong Fancipak Fillets Winnipeg Canada \* \* \* Pike."

On February 14, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1754. Adulteration of pollock fillets. U. S. v. 241 Boxes of Pollock Fillets. Default decree of destruction. (F. D. C. No. 3304. Sample No. 27458-E.)**

This product was in whole or in part decomposed.

On or about November 4, 1940, the United States attorney for the Southern District of Ohio filed a libel against 241 boxes of pollock fillets at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about September 17, 1940, by Gorton-Pew Fisheries, Ltd., from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Cape Anne Brand Pollock Fillets."

On May 21, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**1755. Adulteration of frozen scrod. U. S. v. 108 Boxes and 174 Boxes of Scrod Fillets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 3320, 3321. Sample Nos. 28529-E, 28532-E, 28534-E, 28535-E.)**

Examination of this product showed the presence of decomposed fish.

On November 2, 1940, the United States attorney for the Eastern District of Virginia filed libels against 108 boxes of scrod at Norfolk, Va., and 174 boxes at Portsmouth, Va., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by the Bay Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Produced By Gloucester Fresh Fish Co. \* \* \* Northeast Scrod Fillets."

On November 25, 1940, the Bay Fish Co., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to conform to the law under the supervision of the Food and Drug Administration.

**1756. Adulteration of frozen tullibeas. U. S. v. 195 Boxes of Frozen Tullibeas. Default decree of condemnation and destruction. (F. D. C. No. 3689. Sample Nos. 31551-E to 31555-E, incl.)**

Examination of this product showed that it contained putrid fish and fish containing parasitic worms.

On January 17, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 195 boxes of tullibeas at Detroit, Mich., alleging that the article had been shipped in interstate commerce within the period from on or about December 31, 1940, to on or about January 7, 1941, by J. Kozloff from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Product of Canada Dr Tullibeas."

On February 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## FRUITS AND VEGETABLES

## FRESH FRUITS AND VEGETABLES

**1757. Adulteration of blueberries. U. S. v. 155 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 2804. Sample Nos. 33883-E to 33886-E, incl.)

This product contained insect larvae.

On September 14, 1940, the United States attorney for the District of New Jersey filed a libel against 155 crates of blueberries at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about August 5, 13, and 16, 1940, from Hazleton, Pa., to Brooklyn, N. Y., and on or about August 23, 1940, from Brooklyn, N. Y., to Jersey City, N. J., by Paul La Buda; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1758. Misbranding of potatoes. U. S. v. 121 Sacks of Potatoes. Default decree of condemnation and destruction.** (F. D. C. No. 3795. Sample No. 32687-E.)

This product was below the grade stated on the label because of excessive grade defects.

On February 7, 1941, the United States attorney for the Southern District of California filed a libel against 121 sacks of potatoes at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 31, 1941, by John Shehady from Mason, Nev.; and charging that it was misbranded in that the statement "U. S. No. 1" was false and misleading since it was incorrect. The article was labeled in part: "U. S. No. 1 Golden West Brand Russets."

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## CANNED FRUITS AND VEGETABLES

**1759. Misbranding of canned cherries. U. S. v. 42 and 28 Cases of Canned Cherries. Default decree of condemnation and destruction.** (F. D. C. No. 3933. Sample Nos. 53008-E, 53009-E.)

This product was substandard in quality because of the presence of excessive pits, and it was not labeled to indicate that it was substandard. A portion was also short of the declared weight.

On March 7, 1941, the United States attorney for the District of Arizona filed a libel against a total of 70 cases of canned cherries at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about January 28, 1941, by the Consumers Wholesale Grocery from Springville, Utah; and charging that it was misbranded. The article was labeled in part: (Cans) "Spring Kist Eddington Red Sour Pitted Cherries in water Contents 6 Lb. 7 Oz. [or "1 Lb. 7 Oz."]."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label did not bear, in such manner and form as such regulations specify, a statement that it fell below such standard. A portion was alleged to be misbranded further in that the statement on the label, "Contents 1 Lb. 7 Ozs.," was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1760. Misbranding of canned pitted cherries. U. S. v. 71 Cases of Canned Pitted Cherries. Consent decree of condemnation. Product ordered released under bond for relabeling or repacking.** (F. D. C. No. 3499. Sample No. 44063-E.)

This product was substandard in quality because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On December 23, 1940, the United States attorney for the District of Wyoming filed a libel against 71 cases of canned sour pitted cherries at Rock Spring, Wyo., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by the Varney Canning Co. from Roy, Utah; and charging



that it was misbranded. The article was labeled in part: (Cans) "Leota Brand Water Packed Red Star Pitted Cherries."

It was alleged in substance that the article was misbranded in that the labeling represented that it was pitted cherries; whereas it fell below the standard of quality for pitted cherries prescribed by regulations provided by law in that it contained more than 1 pit to each 20 ounces of cherries, namely, an average of 1.88 pits per 20 ounces.

On January 25, 1941, the Varney Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled or repacked in conformity with the law.

**1761. Adulteration of canned huckleberries. U. S. v. 20 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 4050. Sample No. 60534-E.)**

This product contained insect larvae.

On March 28, 1941, the United States attorney for the District of Montana filed a libel against 20 cases of canned huckleberries at Missoula, Mont., alleging that the article had been shipped in interstate commerce on or about October 30, 1940, by the Eyres Transfer & Warehouse Co. from Seattle Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Household Brand Huckleberries."

On May 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1762. Adulteration of canned huckleberries. U. S. v. 87 Cases and 37 Cases of Canned Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 3861, 4021. Sample Nos. 22221-E, 55689-E.)**

This product contained insect larvae.

On February 25 and March 22, 1941, the United States attorneys for the Northern District of California and the District of Oregon filed libels against 87 cases of huckleberries at San Francisco, Calif., and 37 cases at Salem, Oreg., alleging that the article had been shipped in interstate commerce on or about January 6 and 28, 1941, by Fassett & Co. from Tacoma, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: (Cans) "Plaza Brand Water Pack Pie Huckleberries."

On April 5 and May 9, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1763. Adulteration of canned huckleberries. U. S. v. 92 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 3852. Sample No. 46476-E.)**

This product contained insect larvae.

On February 20, 1941, the United States attorney for the Eastern District of New York filed a libel against 92 cases of canned huckleberries at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about December 3, 1940, by Taylor Edwards Warehouse & Transfer Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Midfield Brand Water Pack Huckleberries."

On April 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1764. Adulteration of canned rhubarb. U. S. v. 67 Cases of Canned Rhubarb. Default decree of condemnation and destruction. (F. D. C. No. 3776. Sample No. 65344-E.)**

The interiors of the cans containing this product were badly corroded, and pieces of enamel were mixed with the contents.

On February 5, 1941, the United States attorney for the Western District of Texas filed a libel against 67 cases of canned rhubarb at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by the Kansas City Wholesale Grocery from Kansas City, Mo.; and charging that it was adulterated in that it was unfit for food. The article was labeled in part: (Cans) "Rhubarb in Syrup \* \* \* Packed by Pure Foods Corp. \* \* \* Los Angeles."

On March 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1765. Adulteration of canned rhubarb. U. S. v. 62 Cases of Canned Rhubarb. Default decree of destruction. (F. D. C. No. 3838. Sample No. 16950-E.)**

The interiors of the cans containing this product were partly corroded and pieces of enamel had been mixed with the contents.

On February 25, 1941, the United States attorney for the Western District of Missouri filed a libel against 62 cases of canned rhubarb at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 31 and February 1, 1940, by the Pure Foods Corporation of Los Angeles, Calif., from Des Moines, Iowa, and Omaha, Nebr.; and charging that it was adulterated in that it was unfit for food.

On April 22, 1941, no claimant having appeared, judgment was entered ordering destruction of the product.

**1766. Misbranding of canned prunes. U. S. v. 23 Cases of Canned Prunes. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3625. Sample No. 55383-E.)**

This product was short weight.

On January 10, 1941, the United States attorney for the Eastern District of Washington filed a libel against 23 cases of canned prunes at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about July 13, 1940, by the Winchester Dried Fruit Co. from San Jose, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Prunepak Brand \* \* \* Prunes \* \* \* Contents 1 Lb. 14 Oz. or 850 Grams."

It was alleged to be misbranded in that the statement "Contents 1 Lb. 14 Oz. or 850 Grams" was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On March 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after removal of the labels.

**1767. Adulteration and misbranding of canned asparagus. U. S. v. 18 Cases of Canned Asparagus. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3584. Sample No. 44020-E.)**

This product was represented to consist of tips and cuts of asparagus but contained but a negligible amount of tips.

On October 26, 1940, the United States attorney for the District of Colorado filed a libel against 18 cases of canned asparagus which had been consigned by the Otoe Food Products Co., alleging that the article had been shipped in interstate commerce on or about April 23, 1940, from Nebraska City, Nebr.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Otoe Brand Contents 10 Oz. Avoir. \* \* \* Tips & Cuts All Green Asparagus."

The article was alleged to be adulterated in that a product consisting of cut pieces of asparagus with a negligible amount of tips had been substituted wholly or in part for "Tips & Cuts," which it purported to be. It was alleged to be misbranded in that the picture of a dish of asparagus containing a considerable proportion of tips, and the statement "Tips & Cuts," on the label, were false and misleading as applied to an article consisting essentially of cut pieces of asparagus with a negligible amount of tips.

On January 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**1768. Adulteration of canned field peas with snaps. U. S. v. 7 Cases of Field Peas with Snaps. Default decree of condemnation and destruction. (F. D. C. No. 3616. Sample No. 37217-E.)**

This product contained insect larvae and eggs.

On January 2, 1941, the United States attorney for the Southern District of Florida filed a libel against 7 cases of the above-named product at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about September 15, 1940, by R. O. Kelly from Mitchell, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Kelly's Best Georgia Field Peas with Snaps."

On January 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1769. Misbranding of pork and beans. U. S. v. 80 Cases of Canned Pork and Beans. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 3652. Sample No. 38869-E.)**

This product was short weight.

On January 10, 1941, the United States attorney for the District of Minnesota filed a libel against 80 cases of canned pork and beans at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about November 7, 1940, by the Friday Canning Corporation from New Richmond, Wis.; and charging that it was misbranded. The article was labeled in part: (Cans) "Armour's Star \* \* \* Pork and Beans. \* \* \* 1 Lb. 12 Oz. Net."

It was alleged to be misbranded in that the statement "1 Lb. 12 Oz. Net" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On February 25, 1941, the Friday Canning Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

**1770. Adulteration of canned pumpkin. U. S. v. 54 Cases of Canned Pumpkin. Consent decree of condemnation and destruction. (F. D. C. No. 3802. Sample No. 43212-E.)**

This product contained a glasslike mineral substance.

On February 10, 1941, the United States attorney for the District of Nebraska filed a libel against 54 cases of canned pumpkin at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce on or about October 25, 1939, by Gunter Food Products Co. from Mount Pleasant, Iowa; and charging that it was adulterated. It was labeled in part: (Cans) "Pickfair Brand Pumpkin."

The article was alleged to be adulterated in that it contained an added deleterious glasslike substance which might have rendered it injurious to health; in that it was unfit for food; and in that a glasslike mineral substance had been substituted wholly or in part for pumpkin and had been added thereto or mixed or packed therewith so as to reduce its quality.

On February 27, 1941, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

#### FROZEN FRUITS

**1771. Adulteration of frozen blueberries. U. S. v. 1,000 Boxes of Frozen Blueberries. Consent decree entered. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3140. Sample No. 1787-E.)**

Samples of this product were found to contain caterpillars.

On October 4, 1940, the United States attorney for the Western District of Virginia filed a libel against 1,000 boxes of frozen blueberries at Winchester, Va., alleging that the article had been shipped in interstate commerce on or about September 23, 1940, by D. Hushion, Ltd., Montreal, Canada; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part "Saguenay Blu's."

On October 14, 1940, the Zeropack Co., Inc., Winchester, Va., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that the unfit portion be segregated and destroyed.

**1772. Adulteration of frozen huckleberries. U. S. v. 29 Cases and 41 Cases of Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 3796, 3797. Sample Nos. 32178-E, 32874-E.)**

This product contained insect larvae.

On February 7, 1941, the United States attorney for the Southern District of California filed libels against 70 cases of frozen huckleberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce from Tacoma, Wash., that 41 cases had been shipped on or about September 27, 1940, in the name of H. T. Burge ex Kelley, Farquhar & Co., and that 29 cases had been shipped on or about December 27, 1940, in the name of Kelley, Farquhar & Co.; and charging that the article was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Cans) "Fresh Frozen Sparklets Huckleberries."



On March 10 and 13, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### TOMATOES AND TOMATO PRODUCTS

**1773. Adulteration of tomato paste, tomatoes with puree, and peeled tomatoes with sauce. U. S. v. Flotill Products, Inc. Plea of guilty. Fine, \$1,100.** (F. D. C. No. 2129. Samples Nos. 56444-D, 56455-D, 56456-D, 72858-D, 72924-D, 72925-D, 72926-D, 72934-D, 72953-D, 72955-D, 73376-D to 73380-D, incl., 73522-D, 85615-D, 92003-D to 92006-D, incl., 92356-D.)

Most lots of these products contained mold, indicating the presence of decomposed material. The remaining lots contained insect fragments or both mold and insect fragments.

On December 12, 1940, the United States attorney for the Northern District of California filed an information against Flotill Products, Inc., Stockton, Calif., alleging delivery for introduction in interstate commerce within the period from on or about November 4, 1939, to on or about February 8, 1940, from the State of California into the States of New York, Pennsylvania, Nebraska, Ohio, and Maine, of quantities of tomato paste, tomatoes with puree, and peeled tomatoes with sauce that were adulterated. The articles were labeled variously: "Flotta Brand Pure Tomato Paste"; "Guglielmi Brand \* \* \* Packed in U. S. A. For R. C. Williams & Co. New York"; "Royal Scarlet Tomato Paste R. C. Williams & Co. Inc. Distributors"; "Gina [or "Moosalina" or "Coba"] Brand Tomato Paste Packed in California for Moosalina Prod. Corp. Brooklyn, N. Y."; "Delsa Brand \* \* \* Tomato Paste"; "Pastene \* \* \* Plum Tomatoes with Puree \* \* \* Distributed by Pastene & Co., Inc."; "Delia Brand Tomato Paste Packed in California For M. De Rosa, Inc. New York"; and "F. P. I. Brand Choice Peeled Tomatoes with Sauce."

The tomatoes with puree and one lot of the tomato paste were alleged to be adulterated in that they consisted in whole or in part of filthy and decomposed substances. Two lots of the paste were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The remaining lots of paste and the peeled tomatoes in the sauce were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On February 26, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,100.

**1774. Adulteration of tomato paste and peeled tomatoes; adulteration and misbranding of tomatoes with puree from trimmings. U. S. v. Riverbank Canning Co. and Lorenzo Zerillo. Pleas of guilty. Total fines, \$360.** (F. D. C. No. 2871. Sample Nos. 56441-D, 56478-D, 56479-D, 72856-D, 72944-D, 72950-D, 72954-D, 72962-D, 73382-D, 73658-D, 73659-D, 85690-D, 85842-D, 85843-D, 85844-D, 86053-D, 92039-D, 92040-D, 92377-D, 92422-D.)

A portion of these products contained excessive mold, indicating the presence of decomposed material; portions contained worm and insect fragments and in certain instances both conditions were found. One lot was falsely labeled as to the name and place of business of the packer.

On December 12, 1940, the United States attorney for the Northern District of California filed an information against the Riverbank Canning Co., a corporation, Riverbank, Calif., and Lorenzo Zerillo, alleging shipment within the period from on or about November 13, 1939, to on or about February 13, 1940, from the State of California into the States of New York, Rhode Island, Florida, Maine, and Massachusetts, of quantities of tomato paste and peeled tomatoes which were adulterated and of a quantity of tomatoes with puree from trimmings which was adulterated and misbranded. The tomato paste was labeled in part: "Madonna Brand [or "Fiamma"] Tomato Paste \* \* \* Packed by Riverbank Canning Company"; "Del Bueno Tomato Paste Distributors P. Astarbi & Co. Inc. Brooklyn, N. Y."; "Appetit Brand \* \* \* Distributors J. Ossola Co. Pittsburgh"; "Premium \* \* \* Tomato Paste Francis H. Leggett & Co. Distributors New York, N. Y."; "Campagnola Brand Tomato Paste \* \* \* Packed by Harbor City Canning Co. Los Angeles, California"; "Minervini Brand Tomato Paste \* \* \* Packed by John Minervini Hoboken, N. J."; "Baiadera Brand Tomato Paste \* \* \* Packed in California for G. Cuccia & Sons, Inc. New York"; "Buon Gusto Natural Tomato Paste \* \* \* Sole Distributors Bestaste Products Company Buffalo, N. Y."; the peeled tomatoes were labeled in part: "Zello Brand \* \* \* Packed by Riverbank Canning Company." The tomatoes with puree from trimmings were labeled in part: "Diana Brand \* \* \* Packed and Guaranteed by Zerillo and La Fata Heraldsburg, California."



Portions of the tomato paste and the peeled tomatoes were alleged to be adulterated in that they consisted in whole or in part of decomposed substances. Portions of the tomato paste were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The remainder of the tomato paste and the tomatoes with puree from trimmings were alleged to be adulterated in that they consisted in whole or in part of a filthy and decomposed substance.

The tomatoes with puree from trimmings were alleged to be misbranded in that the statement "Packed by \* \* \* Zerillo and La Fata Heraldsburg, California" was false and misleading since the product was not packed by Zerillo and La Fata, Heraldsburg, Calif.

On December 18, 1940, pleas of guilty having been entered by the individual defendant for himself and on behalf of the corporation, the court sentenced each defendant to pay a fine of \$10 on each of 18 counts of the information, the total fines amounting to \$360.

**1775. Misbranding of canned tomatoes. U. S. v. 349 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 3932. Sample No. 8217-E.)**

This product contained added strained residual tomato material from preparation for canning and was not properly labeled to indicate that fact.

On March 7, 1941, the United States attorney for the District of Minnesota filed a libel against 349 cases of canned tomatoes at Bemidji, Minn., alleging that the article had been shipped in interstate commerce on or about September 13, 1940, by the Gas City Canning Co. from Gas City, Ind.; and charging that it was misbranded. The article was labeled in part: (Cans) "Golden Valley Tomatoes."

The article was alleged to be misbranded in that it purported to be canned tomatoes, a food for which a definition and standard of identity had been prescribed by regulation as provided by law, and its label failed to bear the common name of the optional ingredients, "added strained residual tomato material from preparation for canning," present in such food.

On April 10, 1941, the Nash Finch Co., of Bemidji, Minn., claimant, having admitted the allegations of libel, judgment of condemnation was entered and the product was released under bond conditioned that it be relabeled to comply with the law.

**1776. Misbranding of canned tomatoes. U. S. v. 500 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3664. Sample No. 55158-E.)**

This product was substandard in quality because of low drained weight and excessive peel and was not labeled to indicate that it was substandard.

On January 13, 1941, the United States attorney for the Western District of Washington filed a libel against 500 cases of canned tomatoes at Hoquiam, Wash., alleging that the article had been shipped in interstate commerce on or about October 4, 1940, by Parrott & Co. from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Del Haven Tomatoes."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as prescribed by law but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 11, 1941, Parrott & Co., a corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in conformity with the law.

**1777. Misbranding of canned tomatoes. U. S. v. 62 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3303. Sample No. 26548-E.)**

This product was substandard in quality because of low drained weight, and it was not labeled to indicate that it was substandard.

On November 7, 1940, the United States attorney for the District of Oregon filed a libel against 62 cases of canned tomatoes at Portland, Oreg., alleging that the article had been shipped from Seattle, Wash., on or about October 21, 1940; and charging that it was misbranded. The article was



labeled in part: "Silverton Brand Tomatoes Packed by Silverton Canning Company, Silverton, Oregon." The product had been shipped originally by the Silverton Canning Co. to the Quartermaster Depot, Seattle, Wash., had been rejected, and was hauled away by truck of the original shipper.

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 2, 1941, Silverton Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

**1778. Misbranding of canned tomatoes. U. S. v. 17 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 2546. Sample No. 9793-E.)**

This product was substandard in quality because of poor color and was not labeled to indicate that it was substandard.

On or about August 24, 1940, the United States attorney for the Western District of Louisiana filed a libel against 17 cases of canned tomatoes at Providence, La., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by the P. P. Williams Co. from Vicksburg, Miss.; and charging that it was misbranded. The article was labeled in part: "Baby Brand Tomatoes \* \* \* Packed by Uddo Taormina Corp. Crystal Springs, Miss."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because of poor color and its label did not bear in such manner and form as the regulations prescribe, a statement that it fell below such standard.

On October 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a charitable institution.

**1779. Adulteration of tomato catsup and tomato puree. U. S. v. 3 Cases of Tomato Catsup and 147 and 22 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 4058. Sample Nos. 44642-E, 44645-E, 44646-E.)**

This product contained excessive mold, indicating the presence of decomposed material.

On March 31, 1941, the United States attorney for the District of Colorado filed a libel against 3 cases of tomato catsup and 169 cases of tomato puree at Denver, Colo., which had been consigned by the Pringle Brokerage Co. from Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about November 12, 1940, and January 20, 1941; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Gateway Brand Tomato Catsup [or "Puree"]."

On May 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1780. Adulteration and misbranding of tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 3381. Sample No. 6764-E.)**

This product contained excessive mold, indicating the presence of decomposed material. It also had been made from residual tomato material from canning and from partial extraction of juice, which fact was not stated on the label.

On November 18, 1940, the United States attorney for the District of Idaho filed a libel against 18 cases of tomato catsup at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about September 23, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Golden 'Q' Brand Extra Standard Tomato Catsup, Made From Whole Tomatoes and Residue From Tomatoes."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.



It was alleged to be misbranded in that it purported to be tomato catsup, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and its label failed to bear the common names of the optional ingredients present.

On December 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1781. Adulteration of tomato catsup and tomato puree. U. S. v. A Quantity of Tomato Catsup and Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 4064. Sample Nos. 56582-E, 56583-E.)

These products contained excessive mold, indicating the presence of decomposed material.

On March 29, 1941, the United States attorney for the Northern District of New York filed a libel against 46 cases of tomato catsup and 62 cases of tomato puree at Binghamton, N. Y., alleging that the articles had been shipped in interstate commerce on or about January 18, 1941, by the Lake Erie Canning Co. from Sandusky, Ohio; and charging that they were adulterated in that they consisted wholly or in part of a decomposed substance. The articles were labeled in part: (Cans) "Brightwood Brand Tomato Catsup"; or "Senate Brand Tomato Puree."

On May 22, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**1782. Adulteration of tomato puree and tomato catsup. U. S. v. 115 Cases of Tomato Puree (and 3 other seizure actions against tomato products.)** (F. D. C. Nos. 4035, 4036, 4105, 4237. Sample Nos. 19380-E, 56507-E, 56508-E, 56510-E, 56522-E.)

These products contained excessive mold, indicating the presence of decomposed material.

Between March 22 and April 4, 1941, the United States attorneys for the Western District of Pennsylvania and the Eastern District of New York filed libels against 115 cases of tomato puree at Pittsburgh, Pa., and 162 cases of tomato puree and 554 cases of tomato catsup at Brooklyn, N. Y., alleging that the articles had been shipped within the period from on or about October 4, 1940, to on or about February 11, 1941, by the Lake Erie Canning Co. from Sandusky, Ohio; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled variously: (Cans) "First National Brand Tomato Catsup [or "Puree"] Distributed by First National Pickle Products Brooklyn, N. Y." and "Premier Fancy Extra Heavy Tomato Puree. Francis H. Leggett & Co., Distributors, New York."

On April 26 and 28 and May 13, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**1783. Adulteration of tomato paste. U. S. v. 148 Cases of Tomato Paste. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 3620. Sample No. 22034-E.)

A part of this product contained excessive mold, indicating the presence of decomposed material.

On January 6, 1941, the United States attorney for the Southern District of New York filed a libel against 148 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 27, 1940, by the Capolino Products Co. from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Product of California \* \* \* Tomato Paste Luigi Vitelli-Elvea Inc., New York, N. Y. Distributors."

On January 31, 1941, Luigi Vitelli-Elvea, Inc., of New York, N. Y., claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the fit portion be separated from the unfit and that the latter be destroyed.

**1784. Adulteration and misbranding of tomato puree. U. S. v. 19 Cases of Tomato Puree (and 3 other seizure actions against tomato puree). Default decrees of condemnation and destruction.** (F. D. C. Nos. 3135 to 3138, incl. Sample Nos. 35350-E to 35353-E, incl.)

Examination of this product showed that certain lots contained excessive mold, indicating the presence of decomposed material; and that some cans in the remaining lots contained artificial color. All lots were found to contain less



than 8.37 percent of salt-free tomato solids, the minimum required by the regulations, the average varying from 6.70 to 6.78 percent.

On October 9, 1940, the United States attorney for the Southern District of Alabama filed libels against 266 cases of tomato puree at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about August 13 and 18, 1940, by Uddo Taormina Corporation from New Orleans, La.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Baby Brand Tomato Puree \* \* \* [portion of cans, "Color Added"]."

The article in two of the lots was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. That in the cans labeled "Color Added" in the remaining lots was alleged to be adulterated in that inferiority had been concealed by the addition of artificial color, and in that color had been added to or mixed with it so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard in that it contained less than 8.37 percent of salt-free tomato solids. A portion was alleged to be misbranded further in that it contained artificial color, which is not provided for in the standard.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### DRIED FRUITS

**1785. Adulteration of apple chops. U. S. v. 11 Bags of Apple Chops. Default decree of condemnation and destruction. (F. D. C. No. 3560. Sample No. 27506-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be in part dirty, wormy, or decomposed.

On December 20, 1940, the United States attorney for the Western District of Kentucky filed a libel against 11 bags of apple chops at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 9, 1940, by Orbaker & Bush from Williamson, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance.

On February 8, 1941, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

**1786. Adulteration of dried apricots. U. S. v. 16 Cases and 10 Cases of Dried Apricots. Default decrees of condemnation and destruction. (F. D. C. Nos. 3561, 3576. Sample Nos. 40104-E, 40105-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be dirty and insect-infested.

On December 20 and 23, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 26 cases of dried apricots at Allentown, Pa., alleging that the article had been shipped on or about November 12 and 20, 1940, by the Wm. A. Camp Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Calif. Apricots Distributed by Jack Gomperts & Co., San Francisco, California."

On January 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1787. Adulteration of prunes and figs. U. S. v. 11 Boxes of Prunes and 2 Boxes of Figs and Prunes. Default decree of condemnation and destruction. (F. D. C. Nos. 3572, 3573. Sample Nos. 29117-E, 29118-E.)**

These products were moldy.

On December 20, 1940, the United States attorney for the Southern District of Ohio filed a libel against 11 boxes of prunes and 2 boxes of figs and prunes at Cincinnati, Ohio, which had been consigned on or about October 22, 1940, alleging that the article had been shipped in interstate commerce by the Canoga Farms from Encino, Calif.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Prunes" or "Calimyrna Figs & Prunes."



On January 25, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**1788. Adulteration of raisins. U. S. v. 98 Cases of Raisins. Default decree of forfeiture and destruction.** (F. D. C. No. 3921. Sample No. 22411-E.)

This product was insect-infested.

On March 10, 1941, the United States attorney for the District of Puerto Rico filed a libel against 98 cases of raisins en route to San Juan, P. R., and scheduled to arrive on or about March 11, 1941, alleging that the article had been shipped in interstate commerce on or about February 8, 1941, by the Enoch Packing Co. of Del Rey, Calif., from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Red Eagle Brand Raisins."

On April 25, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**1789. Adulteration of raisins. U. S. v. 14 Boxes and 16 Boxes of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3559. Sample Nos. 55372-E, 55373-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On December 21, 1940, the United States attorney for the Western District of Washington filed a libel against 30 boxes of raisins at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 10, 1940, by the Lion Packing Co., Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Buon Gusto Brand Ex Fancy Dried No. 1 Grade Alicantes [or "Loose Muscat Raisins"]."

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MEAT PRODUCTS

### POULTRY <sup>1</sup>

**1790. Adulteration of poultry. U. S. v. William Boyd Pruitt (Pruitt Produce Co.). Plea of guilty. Fine, \$25.** (F. D. C. No. 954. Sample No. 68464-D.)

Examination showed the presence of diseased, emaciated, and decomposed poultry in this shipment.

On May 20, 1940, the United States attorney for the Eastern District of Oklahoma filed an information against William Boyd Pruitt, trading as Pruitt Produce Co., at Muskogee, Okla., alleging shipment on or about October 31, 1939, from the State of Oklahoma into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased and emaciated poultry; and in that it consisted in part of a decomposed substance.

On January 13, 1941, a plea of guilty was entered by the defendant and the court imposed a fine of \$25.

**1791. Adulteration of poultry. U. S. v. A. Paul Stork (W. P. Stork). Plea of guilty. Fine, \$150.** (F. D. C. No. 4120. Sample No. 34980-E.)

On June 10, 1941, the United States attorney for the District of Minnesota filed an information against A. Paul Stork, trading as W. P. Stork, at Tyler, Minn., alleging shipment on or about November 23, 1940, from the State of Minnesota into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On June 11, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$150.

Nos. 1792 to 1807, inclusive, report the seizure and disposition of poultry in which diseased birds were found.

**1792. Adulteration of poultry. U. S. v. 26 Boxes and 6 Boxes of Poultry. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3544, 3659. Sample Nos. 34476-E to 34478-E, incl., 46561-E, 46562-E, 46569-E.)

On December 26, 1940, and January 10, 1941, the United States attorney for the Southern District of New York filed libels against 32 boxes of poultry at

<sup>1</sup> See also No. 1722.



New York, N. Y., alleging that the article had been shipped on or about October 30 and November 26, 1940, by the Anamosa Poultry & Egg Co. from Anamosa, Iowa; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. It was labeled in part: "Anamosa Fowl [or "Roasters" or "Fryers"] Poultry."

On January 13 and 29, 1941, no claimant having appeared, judgments of condemnation and destruction were entered.

**1793. Adulteration of dressed chickens. U. S. v. 1 Barrel of Dressed Chickens (and 3 other seizures of dressed chickens). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4414 to 4417, incl. Sample Nos. 31278-E to 31281-E, incl.)

On April 1, 1941, the United States attorney for the Northern District of Illinois filed libels against 1 barrel and 4 boxes of dressed chickens at Chicago, Ill., alleging that the article had been shipped by Armour & Co. from Kansas City, Kans., on January 25, 1941, and by Armour Creameries from Creston, Iowa, on February 3 and 6 and March 10, 1941; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On May 13, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1794. Adulteration of poultry. U. S. v. 1 Barrel of Dressed Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3669. Sample No. 46568-E.)

On January 15, 1941, the United States attorney for the Southern District of New York filed a libel against one barrel of poultry at New York, N. Y., alleging that the article had been shipped on or about December 28, 1940, from Worthington, Minn., by Boote's Hatcheries Packing Co.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On February 5, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1795. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3562. Sample No. 34475-E.)

On December 26, 1940, the United States attorney for the Southern District of New York filed a libel against 1 barrel, containing 97 pounds, of poultry at New York, N. Y., alleging that the article had been shipped on or about November 29, 1940, from Cranbury, N. J., by Cranbury Poultry Co.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On January 16, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1796. Adulteration of dressed turkeys. U. S. v. 1 Barrel of Turkeys. Consent decree of condemnation. Product released under bond.** (F. D. C. No. 3820. Sample No. 46675-E.)

On February 17, 1941, the United States attorney for the Southern District of New York filed a libel against one barrel of poultry at New York, N. Y., alleging that the article had been shipped from Shawnee, Okla., by O. G. Harp Poultry & Egg Co. on or about January 9, 1941; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On May 3, 1941, the O. G. Harp Poultry & Egg Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. The entire lot was rejected as unfit, and it was denatured and delivered to a soap factory for final destruction.

**1797. Adulteration of turkeys. U. S. v. 6 Boxes of Turkeys. Default decree of condemnation and destruction.** (F. D. C. No. 3644. Sample No. 46336-E.)

On January 10, 1941, the United States attorney for the Southern District of New York filed a libel against six boxes of turkeys at New York, N. Y., alleging that the article had been shipped on or about December 12, 1940, by Jerpe Commission Co., Inc., from Omaha, Nebr.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On January 29, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.



**1798. Adulteration of chickens. U. S. v. 29 Boxes of Chickens. Default decree of condemnation and destruction.** (F. D. C. No. 4019. Sample Nos. 56189-E to 56195-E, incl.)

On March 20, 1941, the United States attorney for the Northern District of New York filed a libel against 29 boxes of chickens at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce on or about December 24, 1940, by Litchfield Produce from Litchfield, Minn.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Choice Brand Poultry Wilson and Company Distributors."

On May 22, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1799. Adulteration of poultry. U. S. v. 42 Boxes of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 4047. Sample No. 49528-E.)

On March 26, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 42 boxes of poultry at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 15, 1941, by M. & M. Sales Co. from Springfield, Mo.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. It was labeled in part: "13 Chicken Fowl Packed by Producers Produce Co. Springfield Mo."

On May 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1800. Adulteration of poultry. U. S. v. 8 Boxes of Poultry (and 1 other seizure action against poultry). Default decrees of condemnation and destruction.** (F. D. C. Nos. 3543, 4003. Sample Nos. 34479-E, 56100-E, 56181-E to 56188-E, incl.)

On December 19, 1940, and March 19, 1941, the United States attorneys for the Southern and the Northern Districts of New York filed libels against 8 boxes of poultry at New York, N. Y., and 10 boxes of poultry at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce by the Nevada Poultry Co. from Nevada, Iowa, on or about November 29, 1940, and from Story City, Iowa, on or about November 23, 1940; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Choice Brand Poultry Frying Chickens [or "Roasting Chickens" or "Fowl"] Wilson and Company Distributors \* \* \* Chicago, Ill."

On January 7 and May 22, 1941, no claimant having appeared, judgments of condemnation and destruction were entered.

**1801. Adulteration of poultry. U. S. v. 8 Boxes of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3619. Sample No. 46331-E.)

On January 6, 1941, the United States attorney for the Southern District of New York filed a libel against 8 boxes, each containing 50 pounds, of poultry at New York, N. Y., alleging that the article had been shipped on or about November 29, 1940, by Omaha Cold Storage Co., Inc., from Omaha, Nebr.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. It was labeled in part: (Box) "Choice Distributed by Bellevue Cry. & Produce Co., Omaha, Nebr."

On February 7, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1802. Adulteration of poultry. U. S. v. 14 Boxes of Fowls and 47 Boxes of Chickens. Default decree of condemnation and destruction.** (F. D. C. No. 3753. Sample Nos. 46629-E to 46643-E, incl.)

On February 5, 1941, the United States attorney for the Southern District of New York filed a libel against 14 boxes of fowls and 47 boxes of chickens at New York, N. Y., alleging that the article had been shipped between November 27, 1940, and January 7, 1941, from Sleepy Eye, Minn., by A. J. Pietrus & Sons; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. It was labeled in part: (Box) "Sleepy Eye Brand Fowl [or "Chickens"]."

On April 24, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1803. Adulteration and misbranding of dressed chickens. U. S. v. 18 Boxes of Dressed Chickens. Default decree of condemnation and destruction.** (F. D. C. No. 4225. Sample No. 31244-E.)

On March 21, 1941, the United States attorney for the Northern District of Illinois filed a libel against 18 boxes of dressed chickens at Chicago, Ill., alleging



that the article had been shipped by Frank Pilley & Sons Co. from Sioux City, Iowa, on or about December 10, 1940; and charging that the article was adulterated and misbranded. It was labeled in part: (Sticker on each bird) "Extra Fancy Fox Meadow Milk fed Poultry."

The article was alleged to be adulterated in that it consisted in whole or in part of the product of diseased animals.

It was alleged to be misbranded in that the statement on the sticker on each bird, "Extra Fancy \* \* \*," and the statements on the parchment slip in each box, "Graded up to a standard \* \* \* these birds have been selected for \* \* \* quality," were false and misleading.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1804. Adulteration of poultry. U. S. v. 5 Boxes of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3575. Sample Nos. 46563-E to 46566-E, incl.)

On December 27, 1940, the United States attorney for the Southern District of New York filed a libel against five boxes of poultry at New York, N. Y., alleging that the article had been shipped on or about November 30, 1940, by the Rochester Egg & Poultry Co. from Rochester, Minn.; and charging that it was adulterated in that it consisted in whole or in part of diseased animals.

On January 16, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1805. Adulteration of poultry. U. S. v. 29 Boxes and 6 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3859. Sample Nos. 36486-E, 36491-E to 36493-E, incl.)

On February 21, 1941, the United States attorney for the District of Massachusetts filed a libel against 29 boxes and 6 barrels of poultry at Springfield, Mass., alleging that the article had been shipped on or about January 23, 1941, by the Seymour Packing Co. from Topeka, Kans.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On March 24, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1806. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3858. Sample No. 56011-E.)

On February 21, 1941, the United States attorney for the District of Connecticut filed a libel against 1 barrel of poultry at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about January 28, 1941, by the Springfield Cold Storage Co. from Springfield, Mass.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. It was labeled in part: "Packed by Seymour Packing Co. Topeka Kans."

On May 21, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1807. Adulteration of dressed chickens. U. S. v. 5 Boxes of Dressed Chickens. Default decree of condemnation and destruction.** (F. D. C. No. 4229. Sample No. 31249-E.)

On March 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against five boxes of dressed chickens at Chicago, Ill., alleging that the article had been shipped by Sunflower Poultry Packers Association from Topeka, Kans., on March 3, 1941; and charging that it was in whole or in part the product of diseased animals. It was labeled in part: "Sunshine Fowl \* \* \* Packed by Salina Poultry Co. Salina Kansas."

On May 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1808 to 1819 (except No. 1811) report the seizure and disposition of poultry that was in whole and in part diseased and decomposed.

**1808. Adulteration of dressed chickens. U. S. v. 10 Barrels of Dressed Chickens. Consent decree of condemnation and destruction.** (F. D. C. No. 4228. Sample No. 31248-E.)

On March 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 10 barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped by Benson Produce Co. from Benson, Minn., on or about February 6, 1941; and charging that it was adulterated in



that it consisted wholly or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On March 26, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1809. Adulteration of turkeys. U. S. v. 12 Boxes, 30 Cases, and 329 Cases of Turkeys. Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. Nos. 4106, 4601, 4750. Sample Nos. 56512-E, 56843-E to 56860-E, incl., 69321-E to 69326-E, incl.)

On April 2 and May 5 and 14, 1941, the United States attorneys for the Southern District of New York and the District of New Jersey filed libels against 12 boxes of turkeys at New York, N. Y., and 359 cases of the same product at Jersey City, N. J., alleging that the article had been shipped on or about December 9, 13, and 14, 1940, from Denison, Tex., by the Denison Poultry & Egg Co.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals, and that a portion was adulterated further in that it consisted in whole or in part of a decomposed substance.

On May 22 and June 27, 1941, the Denison Poultry & Egg Co., claimant, having admitted the allegations of the libel, judgments of condemnation were entered, and it was ordered that the product be released to the claimant under bond conditioned that the good portion be separated from the unfit and that the latter be destroyed.

**1810. Adulteration of dressed chickens. U. S. v. 10 Boxes of Dressed Chickens. Default decree of condemnation and destruction.** (F. D. C. No. 4321. Sample No. 31257-E.)

On March 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 10 boxes of chickens at Chicago, Ill., alleging that the article had been shipped by Duluth Apter Poultry Products from Duluth, Minn., on March 4, 1941; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Peterson-Biddick Co. Packers \* \* \* Wadena, Minn."

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1811. Adulteration of dressed turkeys. U. S. v. 20 Barrels of Dressed Turkeys. Default decree of condemnation. Product ordered destroyed.** (F. D. C. No. 3617. Sample No. 31535-E.)

Examination of this product indicated that it had been adulterated with water.

On December 31, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 20 barrels, each containing 200 pounds, of turkeys at Detroit, Mich., alleging that the article had been shipped by the Fresh Dressed Poultry Co. from Toledo, Ohio, on or about December 17, 1940; and charging that it was adulterated in that water had been substituted wholly or in part for it, and in that water had been added to it so as to increase its bulk or weight.

On April 2, 1941, claim and answer to the allegations of the libel by the Fresh Dressed Poultry Co. having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

**1812. Adulteration of poultry. U. S. v. 3 Barrels of Dressed Turkeys, 8 Barrels of Dressed Fowl, and 9 Barrels of Dressed Chickens. Consent decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed.** (F. D. C. Nos. 4222, 4227. Sample Nos. 31242-E, 31243-E, 31250-E.)

On March 11 and 19, 1941, the United States attorney for the Northern District of Illinois filed libels against 20 barrels of poultry at Chicago, Ill., alleging that the article had been shipped on February 25 and March 7, 1941, from Monroe City, Mo., by the Henderson Produce Co.; and charging that it was adulterated in that it was the product of diseased animals, and that a portion was adulterated further in that it consisted in whole or in part of a decomposed substance.

On April 9, 1941, the claimant for the 3 barrels of turkeys and the 8 barrels of fowl, having consented to the entry of a decree, judgment of condemnation was entered and the said turkeys and fowl were ordered destroyed. On May 9, 1941, the Henderson Produce Co., claimant for the dressed chickens, having admitted the allegations of the libel and having consented to the entry of a



decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be eviscerated and examined under the supervision of the Food and Drug Administration, and that it not be sold or disposed of in violation of the law.

**1813. Adulteration of poultry. U. S. v. 7 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3524. Sample No. 34978-E.)

Examination of this product showed the presence of moldy and diseased birds.

On December 17, 1940, the United States attorney for the Southern District of New York filed a libel against 7 barrels of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 22, 1940, by the National Produce Co., from Camden, N. J.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance and in that it was in whole or in part the product of diseased animals.

On January 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1814. Adulteration of frozen turkeys. U. S. v. 16 Boxes of Frozen Turkeys. Default decree of condemnation and destruction.** (F. D. C. No. 4020. Sample No. 36291-E.)

On March 19, 1941, the United States attorney for the District of Massachusetts filed a libel against 16 boxes, each containing 80 pounds, of frozen turkeys at Boston, Mass., alleging that the article had been shipped by Priebe & Sons, Inc., from Chicago, Ill., on or about February 8, 1941; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On May 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1815. Adulteration of poultry. U. S. v. 4 Barrels of Dressed Fowl. Default decree of condemnation and destruction.** (F. D. C. No. 4226. Sample No. 31245-E.)

On March 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 4 barrels of poultry at Chicago, Ill., alleging that the article had been shipped by Sherman White & Co. from Fort Wayne, Ind., on or about July 23, 1940; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1816. Adulteration of chickens. U. S. v. 11 Boxes of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3903. Sample Nos. 46785-E to 46793-E, incl.)

On March 3, 1941, the United States attorney for the District of New Jersey filed a libel against 11 boxes of poultry at Jersey City, N. J., alleging that the article had been shipped by Swift & Co. within the period beginning on or about October 1 and ending on or about December 7, 1940, from Jacksonville, Ill.; Spencer, Iowa; and Columbus, Nebr.; and charging that it was adulterated in that a portion consisted wholly or in part of a decomposed substance, and in that the remainder was wholly or in part the product of diseased animals. It was labeled in part: "Chickens Swift and Company \* \* \* Chicago."

On June 27, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1817. Adulteration of dressed poultry. U. S. v. 51 Barrels of Dressed Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3724. Sample No. 31236-E.)

On January 27, 1941, the United States attorney for the Northern District of Illinois filed a libel against 51 barrels of poultry at Chicago, Ill., alleging that the article had been shipped by Merchants Refrigerator Co., for the account of the Tennessee Egg Co., Chattanooga, Tenn., from New York, N. Y., on January 20, 1941; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance, and in that it was wholly or in part a product of diseased animals.



On May 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1818. Adulteration of frozen turkeys. U. S. v. 29 Boxes of Turkeys. Default decree of condemnation and destruction.** (F. D. C. No. 4100. Sample No. 46739-E.)

On April 1, 1941, the United States attorney for the Northern District of New York filed a libel against 29 boxes of turkeys at Albany, N. Y., alleging that the article had been shipped on or about September 7 and 17, 1940, by Weinberg Bros. & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance, and in that it was wholly or in part the product of diseased animals. It was labeled in part: "Worthington Cry. and Prod. Co."

On May 22, 1941, no claimant having appeared, judgment of condemnation and destruction was entered.

**1819. Adulteration of dressed chickens. U. S. v. 3 Barrels and 6 Barrels of Dressed Chickens. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4223, 4224. Sample Nos. 31246-E, 31247-E.)

On March 19 and 21, 1941, the United States attorney for the Northern District of Illinois filed libels against 9 barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped on February 6, 1941, from Minneapolis, Minn., by Weinberg Bros. & Co.; and charging that it was adulterated in that it was the product of diseased animals, and that a portion of the product was adulterated further in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Animal food."

On May 13, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

Nos. 1820 and 1821 report the seizure and disposition of poultry that was in whole or in part decomposed.

**1820. Adulteration of turkeys. U. S. v. 157 Boxes of Turkeys. Consent decree of condemnation; product ordered released under bond for salvaging of fit portion and destruction of the unfit.** (F. D. C. No. 4845. Sample Nos. 69327-E to 69333-E, incl.)

On May 29, 1941, the United States attorney for the District of New Jersey filed a libel against 157 boxes of turkeys at Jersey City, N. J., alleging that the article had been shipped on or about December 11 and 12, 1940, from St. Paul, Minn., by the Olsen-Keogh Co.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 17, 1941, Olsen-Keogh Co., St. Paul, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond for salvaging of the fit portion and destruction of the unfit.

**1821. Adulteration of dressed chickens. U. S. v. 1 Barrel and 1 Barrel of Dressed Chickens. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4230, 4231. Sample Nos. 31251-E, 31254-E.)

On March 21, 1941, the United States attorney for the Northern District of Illinois filed libels against 2 barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped on September 18, 1940, from Kenosha, Wis., by the John T. Steinmetz Produce Co.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 26, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1822. Misbranding of smoked turkey paste. U. S. v. 8 Cases of Smoked Turkey Paste. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 3526. Sample No. 34918-E.)

This product was short of the declared weight, the statement of the quantity of the contents was printed in very small type and was inconspicuously placed, and the label failed to bear a statement of the ingredients.

On December 17, 1940, the United States attorney for the Southern District of New York filed a libel against 8 cases of turkey paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 7, 1940, by the Van Zandt Farms from Fort Worth, Tex.; and charging that it was misbranded. The article was labeled in part: (Jars) "Smokay (Smoked Turkey Paste) Deviled delicacy \* \* \* Four Oz. Net."



It was alleged to be misbranded in that the statement "4 Oz. Net" was false and misleading since it was incorrect. It was misbranded further in that it was in package form and failed to bear an accurate statement of the contents. It was misbranded further in that the statement of the quantity of the contents required by the act to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

It was misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On February 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

#### DOG AND CAT FOODS

Nos. 1823 and 1824 report the institution of criminal proceedings and the judgments entered in actions based on shipments of dog and cat food that contained little, or no, meat or meat byproducts, but did contain an excessive amount of water. They also contained smaller proportions of protein and fat than those declared on the label, and one brand of the product (No. 1823) was short of the declared weight.

**1823. Adulteration and misbranding of dog and cat foods. U. S. v. Gardner E. Goldsmith (Packer Products Co.). Plea of nolo contendere. Fine, \$75.**  
(F. D. C. No. 2919. Sample Nos. 18662-E, 18663-E.)

On January 29, 1941, the United States attorney for the Eastern District of Pennsylvania filed an information against Gardner E. Goldsmith, trading as Packer Products Co. at Philadelphia, Pa., alleging shipment by said defendant on or about February 5 and May 6, 1940, from the State of Pennsylvania into the State of Maryland and the District of Columbia of a quantity of dog and cat foods that were adulterated and misbranded. The articles were labeled in part: "Prattdale Brand \* \* \* Packed For Royal Clover Dist. Co. Baltimore, Md." or "Beefy Brand \* \* \* Packed by Packer Products Co. Philadelphia, Pa."

The Prattdale brand was alleged to be adulterated in that a product containing little, or no, meat or meat byproducts, a large amount (approximately 84.23 percent) of water, not more than 4.44 percent of crude protein, and not more than 0.44 percent of fat, had been substituted for a product containing meat, meat byproducts, barley, soya-bean meal, bran, salt, sodium nitrate, and cod-liver oil, and containing not less than 8 percent of protein and not less than 2 percent of fat, which it purported to be. It was alleged to be misbranded in that the statements "Ingredients Meat, Meat By-Products \* \* \* Guaranteed Analysis Protein 8% Minimum, Fat 2.00% minimum," appearing on the label, were false and misleading since it contained little, if any, meat or meat byproducts, less than 8 percent of crude protein, and less than 2 percent of fat.

The Beefy brand was alleged to be adulterated in that a product containing little, or no, beef byproducts or meat, a large amount (approximately 84.67 percent) of water, not more than 3.65 percent of crude protein, and not more than 0.51 percent of fat, had been substituted for a product containing barley, fresh clean packing-house beef byproducts, meat and bone meal, soya-bean meal, bran, salt, and garlic, with sufficient water added to process properly, and containing a minimum of 8 percent of protein and a minimum of 2 percent of fat, which it purported to be. It was alleged to be misbranded in that the brand name "Beefy" and the statements, "Weight 1 Lb. avd. \* \* \* Contains \* \* \* Fresh Clean Packing House Beef By-Products, Meat \* \* \* with sufficient water added to properly process. Analysis Crude Protein Min. 8% Crude Fat Min. 2%," appearing on the label, were false and misleading since it contained little, if any, beef, beef byproducts or meat, much more than sufficient water had been added to it than was required to process it properly, it contained less than 8 percent of crude protein and less than 2 percent of crude fat, and each can did not contain 1 pound avoirdupois but did contain a smaller amount. The Beefy brand was alleged to be misbranded further in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On March 28, 1941, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$75.



**1824. Adulteration and misbranding of dog and cat foods. U. S. v. Gardner E. Goldsmith (Packer Products Co.). Plea of nolo contendere. Fine, \$75.**  
(F. D. C. No. 2966. Sample Nos. 18666-E, 18667-E.)

These products contained little or no meat or meat by-products but did contain excessive water. They also contained less protein and fat than the amounts declared on the label.

On March 26, 1941, the United States attorney for the Eastern District of Pennsylvania filed an information against Gardner E. Goldsmith, trading as the Packer Products Co. at Philadelphia, Pa., alleging shipment on or about September 26, 1940, from the State of Pennsylvania into the State of Maryland of quantities of dog and cat foods that were adulterated and misbranded. The articles were labeled in part: "Prattdale Brand Dog and Cat Food \* \* \* Packed For Royal Clover Dist. Co. Baltimore, Md."; or "Set-Up Dog Food \* \* \* Made By Packer Products Co. Phila. Pa."

The Prattdale brand was alleged to be adulterated in that a product containing little, or no, meat or meat byproducts, a large amount (approximately 83.35 percent) of water, no wheat bran, not more than 5.03 percent of crude protein, and not more than 0.52 percent of fat had been substituted for a product containing meat, meat byproducts, barley, soya-bean meal, bran, salt, sodium nitrate, and cod-liver oil, and containing not less than 8 percent of protein and not less than 2 percent of fat, which the article purported to be. It was alleged to be misbranded in that the statements "Ingredients Meat, Meat Byproducts \* \* \* Guaranteed analysis protein 8% Minimum Fat 2% Minimum," appearing on the label, were false and misleading since it contained little, if any, meat or meat byproducts and it contained less than 8 percent of crude protein and less than 2 percent of fat.

The Set-Up brand was alleged to be adulterated in that a product containing little, or no, beef byproducts or meat, a large amount (approximately 84.41 percent of water), not more than 4.6 percent of crude protein and not more than 0.44 percent of fat had been substituted for a product containing barley, fresh clean packing-house beef byproducts, meat and bone meal, soya-bean meal, bran, salt, and garlic, with sufficient water added to properly process and containing not less than 6.5 percent of crude protein and not less than 2 percent of crude fat, which the article purported to be. It was alleged to be misbranded in that the statements, "Analysis Crude Protein Min. 6.5% Crude Fat Min. 2%, Contains Fresh Clean Packing House Beef By-Products, Meat, \* \* \* with Sufficient water added to properly process," appearing on the label, were false and misleading since the article contained little, if any, beef byproducts, or meat, much more than sufficient water had been added to it than was required to properly process it, and it contained less than 6.5 percent of crude protein and less than 2 percent of fat.

On March 28, 1941, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$75.

## NUTS

**1825. Adulteration of mixed nuts and filberts. U. S. v. 48 Bags of Mixed Nuts (and 3 other seizure actions involving nuts). Portion of products condemned and destroyed. Remainder ordered released under bond for segregation and destruction of unfit nuts.** (F. D. C. Nos. 3384, 3385, 3411, 3417. Sample Nos. 14545-E, 14546-E, 19110-E, 28942-E.)

Samples of these nuts were found to be moldy, wormy, and decomposed.

Between November 15 and 20, 1940, the United States attorneys for the Western District of Pennsylvania, Eastern District of Pennsylvania, and the District of Maryland filed libels against 73 bags of mixed nuts at Pittsburgh, Pa., 25 boxes of mixed nuts at Philadelphia, Pa., and 4 bags of filberts at Baltimore, Md., alleging that the articles had been shipped in interstate commerce within the period from on or about September 3 to on or about October 17, 1940, by Wm. A. Camp Co., Inc., in various shipments from New York, N. Y., and Youngstown, Ohio; and charging that they were adulterated in that they consisted in whole or in part of filthy and decomposed substances. The mixed nuts were labeled in part: "Universal Brand" or "Competition Brand." The filberts were labeled in part "Product of Italy."

On December 12, 1940, Wm. A. Camp Co., Inc., having appeared as claimant for 48 bags of mixed nuts seized at Pittsburgh and having admitted the allegations of the libel and consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond conditioned that the unfit portion be segregated and destroyed. On December 27,



1940, and January 3 and 22, 1941, no claimant having appeared in the remaining cases, judgments of condemnation were entered and the products were ordered destroyed.

Nos. 1826 to 1835, inclusive, report the seizure and disposition of pecans that were contaminated with fecal *Escherichia coli*. The products involved in Nos. 1826, 1827, and 1830 also contained rodent hairs.

**1826. Adulteration of pecan pieces. U. S. v. 16 Boxes of Shelled Pecan Pieces. Default decree of condemnation and destruction.** (F. D. C. No. 3888. Sample No. 37601-E.)

On February 28, 1941, the United States attorney for the Northern District of Georgia filed a libel against 16 boxes of shelled pecan pieces at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about January 14, 1940, by the Slocomb Pecan Co. from Slocomb, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1827. Adulteration of pecan pieces. U. S. v. 3 Cases of Pecan Pieces. Default decree of condemnation and destruction.** (F. D. C. No. 3701. Sample No. 32486-E.)

On January 22, 1941, the United States attorney for the Southern District of California filed a libel against 3 cases of pecan pieces at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 3, 1940, by Frank Springer from San Antonio, Tex.; and charging that it was adulterated in that it contained a filthy substance.

On February 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1828. Adulteration of shelled pecans. U. S. v. 18 Cases of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond for cleaning.** (F. D. C. No. 4081. Sample No. 56357-E.)

On March 29, 1941, the United States attorney for the Southern District of New York filed a libel against 18 cases of shelled pecans at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23, 1941, by the Dasher Pecan Co. from Valdosta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 15, 1941, Howard Dasher trading as Dasher Pecan Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be subjected to a process whereby it would be washed and freed from contamination under the supervision of the Food and Drug Administration.

**1829. Adulteration of shelled pecans. U. S. v. 3 and 14 Cartons of Shelled Pecans. Consent decree of condemnation and destruction.** (F. D. C. No. 3881. Sample Nos. 47220-E, 47221-E.)

On March 1, 1941, the United States attorney for the Northern District of Illinois filed a libel against 17 cartons of shelled pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about February 4 to on or about February 7, 1941, by the Finklea Pecan Co., from Mobile, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 26, 1941, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1830. Adulteration of pecans. U. S. v. 2 Cases of Shelled Pecans. Default decree of condemnation and destruction.** (F. D. C. No. 3837. Sample No. 29163-E.)

On February 17, 1941, the United States attorney for the Southern District of Ohio filed a libel against 2 cases of shelled pecans at Cincinnati, Ohio, which had been consigned on or about January 18, 1941, alleging that the article had been shipped in interstate commerce by the Foster Pecan Co. from Denison, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On April 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1831. Adulteration of pecan meats. U. S. v. 4 Cases of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 3749. Sample No. 37251-E.)**

This product not only was contaminated with *E. coli* but moldy and decomposed pecans were present.

On or about February 13, 1941, the United States attorney for the Southern District of Florida filed a libel against 4 cases of pecan meats at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about January 10, 1941, by the Lambert Farm & Pecan Co. from Thomasville, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On March 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1832. Adulteration and misbranding of shelled pecans. U. S. v. 50 Cases of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 3732. Sample No. 24960-E.)**

On January 30, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 50 cases of shelled pecans at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 10, 1940, from Bainbridge, Ga., by Lambert & Son Farm & Pecan Co.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cases) "Guaranteed to Meet Requirements of U. S. Pure Food Law."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, to wit, *Escherichia coli*. The article was alleged to be misbranded in that the statement "Guaranteed to Meet the Requirements of U. S. Pure Food Law" was false and misleading since it was incorrect.

On March 5, 1941, the Wricley Nuts Products of Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**1833. Adulteration of pecan meats. U. S. v. 351 Cases of Pecan Meats. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 3702. Sample No. 46446-E.)**

On January 24, 1941, the United States attorney for the Eastern District of New York filed a libel against 351 cases of pecan meats at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about January 3 and 4, 1941, by the Miller Pecan Co. from Baconton, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 12, 1941, J. B. Miller, Jr., trading as Miller Pecan Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**1834. Adulteration of shelled pecans. U. S. v. 6 Cartons of Shelled Pecans. Consent decree of condemnation and destruction. (F. D. C. No. 3867. Sample No. 47214-E.)**

This product not only was contaminated with *E. coli*, but was moldy.

On February 26, 1941, the United States attorney for the Northern District of Illinois filed a libel against 6 cartons of shelled pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 30, 1941, by Sam A. Pierce from Cairo, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy or decomposed substance.

On March 27, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1835. Adulteration of shelled pecans. U. S. v. 6 Cartons of Shelled Pecans. Consent decree of condemnation and destruction. (F. D. C. No. 3868. Sample No. 47217-E.)**

This product not only was contaminated with *E. coli*, but examination showed the presence of moldy, rancid, and decomposed nuts.

On February 26, 1941, the United States attorney for the Northern District of Illinois filed a libel against 6 cartons of shelled pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about



January 29, 1941, by the Southern Edible Products Co. from Albany, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "S. T. Fish & Co. \* \* \* Chicago."

On March 28, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1836. Misbranding of peanuts. U. S. v. 15 Cases of Vacuum Packed Fresh Way Peanuts. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3694. Sample No. 21295-E.)**

This product occupied less than 80 percent of the volume of its container and it was also short of the declared weight.

On January 21, 1941, the United States attorney for the District of Nevada filed a libel against 15 cases of peanuts at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by the J. M. Springer Co. from San Francisco, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading.

It was alleged to be misbranded further in that the statement "Contents 4 Ounces," borne on the label, was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents in terms of weight.

On February 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**1837. Adulteration of walnut meats. U. S. v. 8 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 3851. Sample No. 21636-E.)**

This product was insect-infested and moldy.

On February 20, 1941, the United States attorney for the District of Montana filed a libel against 8 cartons of walnut meats from Havre, Mont., alleging that the article had been shipped in interstate commerce on or about February 3, 1941, by L. Demartini Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance.

On April 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1838. Adulteration of walnut meats. U. S. v. 6 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 4055. Sample No. 56055-E.)**

Examination of this product showed the presence of wormy, rancid, and decomposed nuts.

On or about March 27, 1941, the United States attorney for the District of Connecticut filed a libel against 6 cases of walnut meats at Stratford, Conn., alleging that the article had been shipped in interstate commerce on or about January 18, 1941, by the L. R. Stone Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## VEGETABLE OILS

**1839. Misbranding of oil. U. S. v. 8 Cartons of Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3686. Sample No. 36389-E.)**

This product failed to comply with the labeling requirements of the law as indicated below.

On January 21, 1941, the United States attorney for the District of Rhode Island filed a libel against 8 cartons of oil at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about December 26, 1940, by the Spagna Oil Co. from Boston, Mass.; and charging that it was misbranded. Some cartons were labeled in part: "Buono Brand Fine Oil." The cans were unlabeled.



The article was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents. It was misbranded further in that it did not bear the common or usual name of the food; and in that it was fabricated from two or more ingredients and did not bear the common or usual name of each ingredient.

On February 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**1840. Adulteration and misbranding of olive oil and Spagna Brand oil. U. S. v. 29 Cans of Olive Oil and 59 Cans of Spagna Brand Oil. Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 3510. Sample Nos. 36374-E, 36375-E.)**

Both of these products were short of the declared volume. The Spagna Brand oil consisted of edible vegetable oils and olive oil containing undeclared artificial color and artificial flavor.

On December 12, 1940, the United States attorney for the District of Rhode Island filed a libel against the above-named products at Pawtucket, R. I., alleging that the articles had been shipped in interstate commerce on or about May 21, 1940, by Nunzio P. Previte from Boston, Mass.; and charging that they were misbranded and that the Spagna Brand oil was also adulterated. They were labeled in part: "1 Full Gallon Pure Olive Oil Joseph Martini \* \* \* Packed for Spagna Olive Oil Co., Boston, Mass.;" and "Contents One Gallon Spagna Brand Oil We guarantee 80% Vegetable Oil and 20% Pure Olive Oil."

The Spagna Brand oil was alleged to be adulterated in that inferiority had been concealed by the addition of artificial flavor and coloring; and in that artificial flavoring and coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

Both products were alleged to be misbranded in that the following statements in the labeling were false and misleading since they were incorrect, (29 cans) "One Full Gallon" and (59 cans) "Contents One Gallon"; and in that they were in package form and did not bear an accurate statement of the quantity of the contents. The Spagna Brand oil was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On January 21, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

## SACCHARINE PRODUCTS

### CANDY

**1841. Adulteration of candy and misbranding of peanut butter. U. S. v. Dillon Candy Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 2948. Sample Nos. 646-E, 654-E, 790-E, 791-E, 799-E, 20075-E, 20084-E, 20098-E, 20249-E, 87797-D, 96510-D.)**

This case was based on interstate shipments of candy that was contaminated with rodent hairs and insect fragments, and of peanut butter that was short of the declared weight.

On April 10, 1941, the United States attorney for the Southern District of Florida filed an information against the Dillon Candy Co., a corporation at Jacksonville, Fla., alleging shipment within the period from on or about July 15 to on or about August 13, 1940, from the State of Florida into the States of Georgia and South Carolina, of quantities of candy that was adulterated; and within the period from on or about February 6 to on or about July 10, 1940, from the State of Florida into the States of Alabama, Georgia, and South Carolina, of peanut butter that was misbranded. The articles were labeled in part: (Candy) "Dillon's Peanut Bar," "Dixie Confections," and "5¢ Dillon's Peanut Bar"; and (peanut butter) "Fresh Maid Peanut Butter Net Two Lbs. [or "One Lb.]," "Best Ever Brand Peanut Butter Net 16 Oz. [or "2 Lbs." or "32 Oz.]," and "Dillon's Peanut Butter \* \* \* Net Two Lbs. [or "One Lb." or "1 Lb.]."



The candy was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The peanut butter was alleged to be misbranded in that the statements, "Net One Lb.," "Net 1 Lb.," "Net Two Lbs.," "Net 2 Lbs.," "Net 16 Oz.," and "Net 32 Oz.," were false and misleading since the jars did not contain the amounts declared but did contain smaller amounts. It was alleged to be misbranded further in that it was in package form and its label did not bear an accurate statement of the quantity of the contents in terms of weight.

On June 9, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

**1842. Adulteration of candy. U. S. v. Charles O. McAfee and Joe B. Hill (McAfee Candy Co. and Liberty Candy Co.). Pleas of nolo contendere. Defendants placed on probation for 1 year.** (F. D. C. No. 2946. Sample Nos. 20095-E to 20097-E, incl., 20300-E, 20481-E, 20498-E, 20903-E, 20904-E, 20906-E to 20908-E, incl., 37425-E.)

Examination of the candies involved in this case showed that they were contaminated with rodent hairs and insect fragments.

On June 25, 1941, the United States attorney for the Middle District of Georgia filed a libel against Charles O. McAfee and Joe B. Hill, copartners, trading as the McAfee Candy Co. and Liberty Candy Co., at Macon, Ga., alleging shipment from the State of Georgia into the States of North Carolina and South Carolina, within the period from on or about July 2 to on or about October 1, 1940, of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Nut Loaf Chocolate Nut Roll [or "Georgia Nut Roll," "Cocoanut Hay Stax," "Old-Fashioned Peanut Brittle," "5¢ Tops," "Hot Shot 5¢," "Magic Bar Candy," "Peanut Delight Candy," "Pie Face," "Goody Joe 5¢," "Cocoanut Delights Chocolate 5¢," "5¢ Butter Log," "Simply Nuts," "Big Boy 5¢," or "Cocoanut Delight Candy"] \* \* \* Liberty Candy Co. Macon Ga."; and "Peanut Squares [or "Jumbo Peanut Bar" or "1¢ Big Apple Suckers"] \* \* \* McAfee Candy Co. Macon, Ga."

On June 25, 1941, the defendants having entered pleas of nolo contendere, they were placed on probation for 1 year.

**1843. Adulteration of candy. U. S. v. 9, 19, and 38 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3985. Sample Nos. 37617-E, 37619-E, 37620-E.)

Examination showed that this product was contaminated with rodent hairs. A portion, labeled "Marble Hand Suckers," contained a glass marble firmly imbedded in each piece of candy.

On March 25, 1941, the United States attorney for the Eastern District of South Carolina filed a libel against 66 boxes of candy at Florence, S. C., alleging that the article had been shipped in interstate commerce on or about February 20, 1941, by the Acme Candy Co. from Wilson, N. C.; and charging that it was adulterated. The article was labeled in part: (Boxes) "Acme Giant Peco Bar 5c"; "Acme's Cherry Pops"; and "Acme's Marble Hand Suckers."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. A portion of the article (38 boxes) was alleged to be adulterated also in that it was confectionery and bore or contained a nonnutritive article.

On June 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1844. Adulteration of candy. U. S. v. 23 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3714. Sample No. 35692-E.)

Examination showed that this product was contaminated with rodent hairs and dirt.

On or about January 31, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 23 cartons of candy at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about January 2 and 9, 1941, by the American Candy Manufacturing Co. from Selma, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On May 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1845. Adulteration of candy. U. S. v. 53 Boxes (and 5 other seizures of candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 3981 to 3984, incl., 4067, 4099. Sample Nos. 34783-E to 34789-E, incl., 46318-E, 46319-E, 46554-E to 46557-E, incl., 56261-E to 56264-E, incl., 56270-E, 56435-E, 56436-E, 56466-E, 56467-E.)

Examination of this product showed that it contained human and rodent hairs, insect fragments, dirt, soot and charcoal, wood splinters, fragments of paint and wire and other metals, and miscellaneous dirt.

On March 14, 26, and 31, 1941, the United States attorney for the District of New Jersey filed libels against 370 boxes of candy at Newark, N. J., alleging that the article had been shipped within the period beginning on or about October 19, 1940, and ending on or about March 19, 1941, by the Belmont Candy Co. from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part variously: "Chocolate Covered Filled With Cherries 1¢"; "2¢ Each Milk Chocolate Cherry-O-Date"; "Milk Chocolate Covered Brazil Dates 2¢"; "1¢ Each Stuffed Brazil Dates"; "1¢ Each Milk Chocolate Maple Milky Squares"; "Belmont Chocolate Decorated Pineapple Cores"; "Cocoanut Mountains [or "Logs"]"; "Belmont's Brazil Nuts [or "Milk Chocolate Have a Hunk"]"; "Special Chocolate Covered Jelly Bars"; "Big Mountain Pops." Some of the bars also were labeled: "Mfg. By Belmont Candy Co. Brooklyn, N. Y."

On May 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1846. Adulteration of candy. U. S. v. 57 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3961. Sample Nos. 37818-E to 37821-E, incl.)

This product contained rodent hairs and a portion also contained insect fragments.

On March 14, 1941, the United States attorney for the Southern District of Florida filed a libel against 57 boxes of candy at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about February 6 and 18, 1941, by the Bobs Candy & Pecan Co. from Albany, Ga.; and charging that it was adulterated. The article was labeled variously: "Bobs Mammoth Penny Ices," "Bobs Dutch Lunch," "Bobs Mammoth Penny Sticks," and "Bobs Long Boy Penny Stick."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1847. Adulteration of candy. U. S. v. 102 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3962. Sample Nos. 35708-E, 35709-E.)

Examination showed that this product was contaminated with rodent hairs and insect fragments.

On March 14, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 102 boxes of candy at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 3 and 10, 1941, by Bradas & Gheens, Inc., from Louisville, Ky.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Chocolate M. M. Chicks"; or "Bars Country Candy Ham."

On May 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1848. Adulteration of candy. U. S. v. 17 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3970. Sample No. 60036-E.)

Examination showed that this product contained rodent hairs.

On March 14, 1941, the United States attorney for the District of Oregon filed a libel against 17 boxes of candy at Marshfield, Oreg., alleging that the article had been shipped in interstate commerce on or about February 14, 1941, by the Candy House from Seattle, Wash.; and charging that it was adulterated



in that it consisted wholly or in part of a filthy substance. It was labeled in part: (Boxes) "Mint Patty, 24 bars."

On May 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1849. Adulteration of candy. U. S. v. 20 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4108. Sample No. 44234-E.)

On April 1, 1941, the United States attorney for the District of Montana filed a libel against 20 boxes of candy at Livingston, Mont., alleging that the article had been shipped on or about March 19, 1941, by the Cooper Candy Co. from Denver, Colo.; and charging that it was adulterated in that it contained rodent hairs and consisted in whole or in part of a filthy substance.

On May 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1850. Adulteration of candy. U. S. v. 6 Boxes of 5# Wintergreen Banquet Wafers, et al. Consent decree of condemnation and destruction.** (F. D. C. No. 4372. Sample Nos. 65002-E to 65005-E, incl., 65007-E to 65010-E, incl.)

Samples of this candy were found to contain rodent hairs or insect fragments, or both.

On April 17, 1941, the United States attorney for the Northern District of Texas filed a libel against 28 boxes of candy at Lubbock, Tex., alleging that the article had been shipped on or about April 7, 1941, by the Cosner Candy Co. from Denver, Colo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "5# Wintergreen [or "Mint," "Lime," or "Lemon"] Banquet Wafers"; or "144 Pure Lemon [or "Cinnamon," "Lime," or "Peppermint"] Sticks."

On May 29, 1941, the shipper and the consignee having accepted service, waived publication and notice, and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1851. Adulteration and misbranding of candy. U. S. v. 17 Boxes of Candy. Default decree of condemnation. Product ordered destroyed.** (F. D. C. No. 3769. Sample Nos. 50740-E to 50743-E, incl.)

Examination of this product showed that it was contaminated with insect fragments and rodent hairs. Furthermore, the labels in certain lots failed to bear the common or usual name of each of the ingredients.

On February 11, 1941, the United States attorney for the Eastern District of North Carolina filed a libel against 17 boxes of candy at Rosehill, N. C., alleging that the article had been shipped on or about October 23 and December 19, 1940, by the Crystal Candy Co. from Norfolk, Va.; and charging that it was adulterated and misbranded. It was labeled in part: (Boxes) "Cocoanut [or "Coco"] Ices," "Assorted Cocoanut," or "Peanut Bars."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The article in 3 of the 4 lots was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each of the ingredients.

On March 24, 1941, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. It was destroyed in accordance with said order.

**1852. Adulteration of crystallized ginger and assorted candied fruits. U. S. v. 10 Cartons of Dry Leaf Ginger, 36 Tins of Stem Ginger, Crystallized, 10 Cartons of Rolled Ginger, and 87 Boxes of Assorted Fruits. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3634, 3635, 3771. Sample Nos. 36400-E, 40128-E to 40132-E, incl.)

Samples of these products were found to contain rodent hairs and insect fragments.

On January 7 and February 6, 1941, the United States attorneys for the Eastern District of Pennsylvania and the District of Rhode Island filed libels against the above-named products at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce within the period from on or about November 1 to on or about November 27, 1940, by R. U. Delapenha & Co., Inc., from Poughkeepsie, N. Y.; and charging that they were adulterated



in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Dry Leaf Ginger," "Stem Ginger, Crystallized," "Rolled Ginger," or "Assorted Fruits."

On January 25 and February 28, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**1853. Adulteration of candy. U. S. v. 6 Cans of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3708. Sample Nos. 19340-E, 19344-E to 19347-E, incl.)

This product contained insect fragments and a portion also contained rodent hairs.

On January 24, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 6 cans of candy at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about December 3 and December 21, 1940, by R. U. Delapenha & Co. from Poughkeepsie, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled variously: "Barley Sugar Squares Pineapple"; "Ice Mint Squares"; "Barley Sugar Squares Cherry"; "Cinnamon Flavor Barley Sugar Squares" and "Butter Scotch Squares."

On February 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1854. Adulteration and misbranding of candy. U. S. v. 496 Pounds of Candy in Boxes. Default decree of condemnation and destruction.** (F. D. C. No. 3522. Sample No. 37713-E.)

This product contained rodent hairs and insect fragments and the boxes in which it was packed failed to bear a statement of the ingredients.

On December 16, 1940, the United States attorney for the Western District of South Carolina filed a libel against 496 pounds of candy contained in 2 and 2½-pound boxes at Lancaster, S. C., alleging that the article had been shipped in interstate commerce on or about December 2, 1940, by the Dixie Candy Co., Inc., from Charlotte, N. C.; and charging that it was adulterated and misbranded. It was labeled in part: (Boxes) "Dixie Girl Brand \* \* \* 2 [or "2½"] Pounds Net Pure Stick Candy Absolutely Pure Made Clean for Children to Eat."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that the statement "Absolutely Pure Made Clean for Children to Eat" was false and misleading; and in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient.

On January 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1855. Adulteration of candy. U. S. v. 36 Boxes and 34 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4093, 4096. Sample Nos. 36890-E, 36891-E, 40549-E.)

Examination showed that this product was contaminated with rodent hairs.

On March 31, 1941, the United States attorneys for the District of Massachusetts and the Eastern District of Pennsylvania filed libels against 36 boxes of candy at Lawrence, Mass., and 34 boxes of candy eggs at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 21, 1941, by John H. Dockman & Son, Inc., from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 19 and May 12, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1856. Adulteration of candy. U. S. v. 16 and 25 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3520. Sample Nos. 28562-E to 28572-E, incl.)

This product contained rodent hairs and insect fragments.

On December 16, 1940, the United States attorney for the Eastern District of Virginia filed a libel against a total of 41 boxes of candy at Suffolk, Va.,



alleging that the article had been shipped in interstate commerce on or about November 30, 1940, by the G. T. Edwards Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1857. Adulteration and misbranding of candy. U. S. v. 29 Boxes and 25 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 3646, 3717. Sample Nos. 11216-E, 11220-E.)**

Examination of this product showed that both shipments were contaminated with rodent hairs and that one shipment also contained human hairs. Moreover, the term "vegetable butter" on the wrappers in one lot was not the common or usual name of the ingredient referred to.

On January 15 and 25, 1941, the United States attorney for the Southern District of Texas filed libels against 54 boxes, each containing 24 bars, of candy at Houston, Tex., alleging that the article had been shipped on or about December 9 and 27, 1940, from New Orleans, La., by Elmer Candy Co., Inc.; and charging that it was adulterated. The libel filed on January 25, 1941, also charged misbranding. The product was labeled in part: (Wrapper) "Elmer's New Orleans \* \* \* Gold Brick 5¢."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

A portion of the product was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient.

On April 4, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1858. Adulteration and misbranding of candy. U. S. v. 3 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3718. Sample No. 43849-E.)**

Three of the four lots of this product were found to contain rodent hairs. All lots were misbranded because of failure to comply with certain labeling requirements of the law; and in one instance, because of containers that were deceptive in that they did not contain the amount of candy indicated by their outward appearance.

On or about February 6, 1941, the United States attorney for the District of Kansas filed a libel against 3 cases of candy at Clay Center, Kans., alleging that the article had been shipped in interstate commerce on or about November 28, 1940, by the Elmer Candy Co. from New Orleans, La.; and charging that it was misbranded and that certain lots were also adulterated. The article was labeled in part variously: "Juicy Cherries," "Standard Assortment," and "Cottage Sweets \* \* \* Nut & Fruit Assortment [or "Hand-Rolled Creams"]."

The products labeled "Standard Assortment," "Nut & Fruit Assortment," and "Hand-Rolled Creams" were alleged to be adulterated in that they consisted wholly or in part of a filthy substance; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The "Standard Assortment," "Nut & Fruit Assortment," and "Hand-Rolled Creams" were alleged to be misbranded in that the name and place of business of the manufacturer, and in the case of the "Standard Assortment" the quantity of contents (required by the act to appear on the label) were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

The chocolate-covered cherries were alleged to be misbranded in that their container was so made, formed, or filled as to be misleading; in that they were in package form and did not bear the name of the manufacturer; and in that the statement of the quantity of contents and the list of ingredients were not prominently placed on the label with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On March 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1859. Adulteration and misbranding of candy. U. S. v. 33 Cases of Candy (and 2 other seizure actions against candy). Default decrees of condemnation and destruction or sale.** (F. D. C. Nos. 3716, 3743, 3744. Sample Nos. 37139-E, 44598-E, 55740-E.)

Two lots of this product were contaminated with rodent hairs and insect fragments. The third lot was deceptively packaged in boxes in which the top layer contained an average of 20 pieces of candy while the bottom layer contained only 14 similar pieces of candy.

Between January 27 and February 3, 1941, the United States attorneys for the District of Oregon, Southern District of Georgia, and Western District of Texas filed libels against 33 cases of candy at Portland, Oreg., 36 boxes of candy at Savannah, Ga., and 84 boxes of the product at El Paso, Tex., alleging that the article had been shipped in interstate commerce, on or about December 16, 17, and 28, 1940, by the Elmer Candy Co. from New Orleans, La.; and charging that portions were adulterated and that the remainder was misbranded. The article was labeled in part, variously: "Elmers New Orleans Mint Bubbles," "Elmer's Quality Package Fruit & Nuts and Special Centers," or "Elmer's Cottage Sweets \* \* \* Hand Rolled Creams and Selected Centers."

The "Mint Bubbles" and the "Fruit & Nuts and Special Centers," were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The latter was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The product labeled "Cottage Sweets" was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading.

On March 3, 10, and 28, 1941, no claimant having appeared, judgments of condemnation were entered and it was ordered that the adulterated lots be destroyed and that the misbranded lot be sold.

**1860. Adulteration of candy. U. S. v. 46 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3085. Sample No. 39289-E.)

This product contained rodent hairs and other unidentified hairs.

On September 26, 1940, the United States attorney for the Western District of Missouri filed a libel against 46 boxes of candy at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about August 22, 1940, by the Gilliam Candy Co. from Paducah, Ky.; and charging that it was adulterated. The article was labeled in part: "24 5¢ Pkg. Delicious Stick."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1861. Adulteration and misbranding of candy. U. S. v. 46 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3675. Sample Nos. 36950-E to 36953-E, incl.)

This product, with the exception of one lot, was adulterated because of the presence of rodent hairs and in some instances, insect fragments. All lots were misbranded in one or more of the following respects: Shortage from the declared weight, containers that were not filled to their capacity, or failure to comply with certain labeling requirements of the law.

On January 16, 1941, the United States attorney for the District of Maine filed a libel against 46 cartons of candy at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about December 9, 1940, by Louis Glickstern from Boston, Mass.; and charging that it was misbranded and that all lots with one exception were also adulterated. The article was variously labeled as hereinafter indicated.

The product, with the exception of one lot labeled "Evangeline Chocolate Cordial Cherries," was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

One lot labeled "Ye Olde Toll House" was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

One lot labeled "1 Lb. Cherry Basket" was alleged to be misbranded in that the statement "1 Lb." was false and misleading since it was incorrect; in that its container was so made, formed, or filled as to be misleading; in that it was



in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and did not bear a label containing an accurate statement of the quantity of the contents; in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

One lot labeled "Chocolate Malted Balls" was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor and did not bear an accurate statement of the quantity of the contents.

One lot labeled in part "Evangeline Chocolate Cordial Cherries" was alleged to be misbranded in that the statement "1 Pound Net" was false and misleading since it was incorrect; in that it was in package form and failed to bear an accurate statement of the quantity of the contents; in that its container was so made, formed, or filled as to be misleading; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

One lot labeled "Mayflower Chocolate Covered Cherries" was alleged to be misbranded in that the statement "Net Weight One Pound" was false and misleading since it was incorrect; in that it was in package form and failed to bear an accurate statement of the quantity of the contents; and in that its container was so made, formed, or filled as to be misleading.

One lot labeled "Kenwyn Chocolate Coated Cherries" was alleged to be misbranded in that it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each ingredient.

One lot labeled in part "Priscilla Chocolate Cordial Cherries" was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

Portions of the product were alleged to be misbranded further for the following reasons: (Evangeline, Kenwyn, and Mayflower brands) The name and place of business of the manufacturer, packer, or distributor; (Evangeline and Kenwyn brands) the declaration of artificial flavoring and coloring and chemical preservative; and (Mayflower brand) the statement of the quantity of contents, all of which statements are required by the act to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On February 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1862. Adulteration of candy. U. S. v. 19, 46, 8, and 13 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3521. Sample Nos. 40086-E, 40087-E, 40089-E, 40091-E.)

This product contained rodent hairs and a portion also contained insect fragments.

On December 14, 1940, the United States attorney for the District of New Jersey filed a libel against 86 boxes of candy at Trenton, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about September 9 to on or about October 9, 1940, by the Heidelberger Confectionery Co., Inc., from Philadelphia, Pa.; and charging that it was adulterated. The article was labeled variously: "Big Six Chocolate Assortment," "Chocolate Peppermints," "Chocolate Bermudas," or "Sunnies."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1863. Adulteration of candy. U. S. v. 316 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3442. Sample No. 20980-E.)

This product contained insect fragments and rodent hairs.

On November 29, 1940, the United States attorney for the Western District of Virginia filed a libel against 316 boxes of candy at South Boston, Va., alleging that the article had been shipped in interstate commerce on or about November 11, 1940, by the Hodges Candy Co. from Milledgeville, Ga.; and charging that it was



adulterated. The article was labeled in part: "30—5¢ Variety Bars," or "30—5¢ Variety Advertiser."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1864. Adulteration and misbranding of candy. U. S. v. 17 and 4 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3245. Sample Nos. 39440-E, 39441-E.)**

This product contained rodent hairs and insect fragments. Its weight was approximately 85 percent in excess of that declared.

On October 21, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 21 boxes of candy at Marvell, Ark., alleging that the article had been shipped in interstate commerce on or about September 4, 1940, by the Independent Candy Co. from Memphis, Tenn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Big Joe Peppermint [or "Peanut Butter"] Stick."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance or was otherwise unfit for food; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that the statement "Net Wt. 2½ Ozs. or Over," borne on the labels, was false and misleading since the variations above the stated minimum were unreasonable; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On March 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1865. Adulteration of candy. U. S. v. 11 Cartons and 27 Cartons of Josselyn's Milkmarks. Default decrees of condemnation and destruction. (F. D. C. Nos. 3790, 3791. Sample Nos. 28246-E, 28247-E.)**

Examination showed that this product was contaminated with rodent hairs.

On February 7, 1941, the United States attorney for the District of Columbia filed a libel against 38 cartons of candy at Washington, D. C., alleging that the article had been shipped by Josselyn's from Baltimore, Md., on or about January 15 and 16, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Milkmarks Josselyn's" or "Josselyn's Milkmarks \* \* \* Cocoanut Macaroons Chocolate Covered."

On March 4, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1866. Adulteration of candy. U. S. v. 5 and 10 Cans of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3651. Sample No. 50707-E.)**

Examination showed that this product was contaminated with rodent hairs.

On January 13, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 5 cans each containing 40 pounds, and 10 cans each containing 20 pounds of candy at Parksley, Va., alleging that the article had been shipped in interstate commerce on or about December 18, 1940, by the Wm. T. Kearney Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "High Lustre Confections Sunshine Kisses."

On February 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1867. Adulteration of candy. U. S. v. 25 Boxes of Candy (and 2 other seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 3907, 3908, 3931. Sample Nos. 29272-E, 29274-E, 29278-E.)**

This product contained rodent hairs.

On March 3 and 6, 1941, the United States attorney for the Southern District of Ohio filed libels against a total of 188 boxes of candy at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce within the



period from on or about October 8, 1940, to on or about February 10, 1941, by the Klotz Confection Co. from Louisville, Ky.; and charging that it was adulterated. The article was variously labeled: "24 Bars Klotz's 5 Cents Chocolate Turtle"; "24 Bars Klotz 5 Cents Devilish Good"; "24 Bars Klotz's 5 Cents Nutty Fudge"; "Nutty Brittle"; "72½ Oz. Bars Peanut Brittle."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 1, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**1868. Adulteration of candy. U. S. v. 24 Boxes of Date Nut Confection. Default decree of condemnation and destruction.** (F. D. C. No. 4587. Sample No. 60753-E.)

Examination showed that this product was insect-infested and fermented.

On May 1, 1941, the United States attorney for the Western District of Washington filed a libel against 24 boxes of candy at Seattle, Wash., alleging that the article had been shipped in interstate commerce from Los Angeles, Calif., on or about September 21, 1940 [by Los Angeles Nut House]; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. It was labeled in part: "LA-Nut Brand Coconut Rolled Walnut Stuffed Calif. Date Nut Confection."

On June 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1869. Adulteration of candy. U. S. v. 10 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3509. Sample No. 37708-E.)

This product contained rodent hairs and insect fragments

On December 12, 1940, the United States attorney for the Western District of North Carolina filed a libel against 10 boxes of candy at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about November 28, 1940, by the Meadors Manufacturing Co. from Greenville, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part "18 Peanut Glide."

On January 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1870. Adulteration of candy. U. S. v. 51 Rolls of Port-Hole and 15 Rolls of Yankee Clipper. Default decree of condemnation and destruction.** (F. D. C. No. 4074. Sample Nos. 43176-E, 43177-E.)

Examination of this product showed that it contained rodent hairs and excreta, insect fragments, and miscellaneous filth.

On or about April 14, 1941, the United States attorney for the Western District of Missouri filed a libel against 66 rolls, each containing 15 bars, of candy at Kansas City, Mo., alleging that the article had been shipped in interstate commerce from Okmulgee, Okla., by the William Metzger Co. on or about February 28, 1941; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Port-Hole" or "Yankee Clipper."

On May 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1871. Adulteration and misbranding of candy. U. S. v. 421 Boxes of Chocolate-Covered Cherries and 99 Cases of Lemon Drops. Decrees of condemnation and destruction.** (F. D. C. Nos. 3574, 3733. Sample Nos. 35279-E, 35313-E.)

Both lots of this product contained rodent hairs and insect fragments. The chocolate-covered cherries were separated by cardboard dividers. The space for each piece was excessive and the boxes were consequently larger than necessary; they were also short of the declared weight.

On December 28, 1940, and January 31, 1941, the United States attorney for the Northern District of Texas filed libels against 421 boxes and 99 cases of candy at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about October 1, 1940, and January 3, 1941, by the National Candy Co., Inc., from St. Louis, Mo.; and charging that it was adulterated and that a portion was also misbranded. The article was labeled in part:



"Frontenac Chocolate Covered Modified Cherries One Pound"; or "National 30 Pounds Candy Lemon Drops Sugared."

Both lots of the article were alleged to be adulterated in that they consisted in whole or in part of filthy substances. The chocolate-covered cherries were alleged to be adulterated further in that they had been prepared, packed, or held under insanitary conditions whereby they had become contaminated with filth.

The chocolate-covered cherries were alleged to be misbranded in that the statement on the label, "One Pound," was false, misleading, and incorrect; they were alleged to be misbranded further in that the package did not bear an accurate statement of the quantity of the contents; and in that the containers were so made, formed, and filled as to be misleading.

On February 8 and 21, 1941, no claim having been entered for the cherries and the National Candy Co., Inc., having consented to the destruction of the lemon drops, judgments of condemnation were entered and both lots were ordered destroyed.

**1872. Adulteration of candy. U. S. v. 46 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4786. Sample Nos. 29569-E to 29572-E, incl.)

Examination showed that this product contained rodent hairs.

On May 17, 1941, the United States attorney for the Northern District of Ohio filed a libel against 46 boxes of candy at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about May 3, 1941, by the Overland Candy Corporation from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "2 for 1¢, Simple Simon Cones"; "Candy Hot-Dogs, 1¢"; "1¢, Rosette Cones"; or "Giant M. M. Sandwich."

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1873. Adulteration of candy. U. S. v. 12, 22, 25, and 49 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4007. Sample Nos. 56471-E, 56472-E, 56474-E, 56475-E.)

Examination showed that this product contained rodent hairs, splinters of wood, and insect fragments.

On March 18, 1941, the United States attorney for the District of New Jersey filed a libel against 108 boxes of candy at Union City, N. J., alleging that the article had been shipped in interstate commerce on or about January 4, 1941, by Jules M. Rogak from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "5 Lbs. Orange Sticks," "5 # M. M.," "5 Lbs. Unpitted Dates," and "48 Jumbo Twists."

On May 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1874. Adulteration of candy. U. S. v. 18 Boxes of Caramel Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4679. Sample Nos. 40805-E, 40806-E.)

On May 6, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 18 boxes of candy at Chester, Pa., alleging that the article had been shipped on or about April 9, 1941, by the Romance Chocolate Co. from East Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, namely, rodent hairs and excreta, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "'Brick Top' Caramel Pops"; or "Honey Caramel Circles."

On June 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1875. Adulteration of candy. U. S. v. 31 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3630. Sample No. 35475-E.)

Examination showed that this product contained rodent hairs.

On January 6, 1941, the United States attorney for the Western District of Louisiana filed a libel against 31 boxes of candy at Opelousas, La., alleging that the article had been shipped on or about November 28, 1940, by the Salvo & Berdon Candy Co. from Natchez, Miss.; and charging that it was adulterated in that it



consisted wholly or in part of a filthy substance and in that it had been prepared under insanitary conditions. The article was labeled in part: "Rosalie Peppermint."

On May 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1876. Adulteration and misbranding of candy. U. S. v. 7 Cases of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4215. Sample No. 51303-E.)

Examination showed that this candy was contaminated with rodent hairs and excreta. Furthermore, the bottom layer of the box in which it was packed contained only 11 to 14 pieces separated by cardboard dividers, while the upper layer contained 20 pieces.

On April 4, 1941, the United States attorney for the District of Maine filed a libel against 7 cases, each containing 24 boxes, of candy at Auburn, Maine, alleging that the article had been shipped on or about January 9, 1941, by San Man Chocolates, Inc. (Romance Chocolate Co.) from East Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: "Rosella Chocolates."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On April 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1877. Adulteration and misbranding of candy. U. S. v. 29 Cases and 42 Cartons of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3440, 3466. Sample Nos. 38426-E, 38427-E, 38428-E, 39584-E.)

Examination showed that this product was contaminated with insect fragments and rodent hairs and excreta. Furthermore, it failed to comply with certain labeling requirements of the law.

On December 3 and 7, 1940, the United States attorneys for the Southern District of Iowa and the Northern District of Iowa filed libels against 29 cases of candy at Des Moines, Iowa, and 42 cartons of candy at Waterloo, Iowa, alleging that the article had been shipped in interstate commerce on or about May 13 and October 14, 1940, by the Schuler Candy Co. or Schuler Chocolates, Inc., from Winona, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sugar Loaf Carmel Cream 30"; or "Iced Carmel Cream 30 Lbs."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance.

The article was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On January 3 and 6, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1878. Adulteration of candy. U. S. v. 43 Boxes and 43 Cartons of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4082, 4287, 4288. Sample Nos. 24692-E, 29456-E, 29459-E.)

Examination showed that this product was contaminated with insect fragments or rodent hairs, or both.

On March 28 and April 9, 1941, the United States attorneys for the Eastern District of Pennsylvania and Southern District of Indiana filed libels against 43 boxes of candy at Philadelphia, Pa., and 43 cartons of candy at Richmond, Ind., alleging that the article had been shipped by the George E. Smith Co., in part on or about February 7 and 27, 1941, from Loveland, Ohio, and in part on or about March 10, 1941 from Twightwee, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "1-c Chocolate Peanut Cream Clusters," "1-c Chocolate M M Goose Eggs," or "Captain Chocolate Drops."

On April 19 and June 10, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**1879. Adulteration of candy. U. S. v. 106 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3972. Sample No. 48210-E.)

Examination showed that this product was contaminated with rodent hairs and insect fragments.

On March 14, 1941, the United States attorney for the Southern District of Florida filed a libel against 106 boxes of candy at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about March 1, 1941, by the Toney Candy Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Peco Bar [or "Chocolate Peanut Bar," "Rainbow Bar," "Cream Peanut Bar," or "Cocoanut Bar"]."

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1880. Adulteration of candy. U. S. v. 14 and 8 Boxes of Candy (and 3 other seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 2294, 2295, 2309, 2347. Sample Nos. 33214-E to 33219-E, incl., 33221-E to 33224-E, incl., 33231-E to 33234-E, incl.)

Samples of this product were found to contain rodent hairs, insect fragments, human hairs, metal filings, pebbles, and nondescript dirt.

Between June 27 and July 10, 1940, the United States attorney for the District of New Jersey filed libels against 136 boxes of candy at Jersey City, N. J., and 144 boxes of candy at Union City, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about May 1 to on or about June 27, 1940, by the Two Star Confectionery Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled variously: "Spearmint Leaves," "Black Haggi's Long Chewing Gum," "Big Five Candy Gum Drops," "Candy Strawberries," and "Darkies."

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

**1881. Adulteration of candy. U. S. v. 24 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3941. Sample No. 43868-E.)

Examination showed that this product contained rodent hairs.

On or about March 15, 1941, the United States attorney for the District of Kansas filed a libel against 24 cartons, each containing 72 pieces, of cocoanut peanut brittle at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about January 8, 1941, by the Tyler Candy Co. from Tyler, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Tyler Maid \* \* \* Penny Peco."

On May 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1882. Adulteration of date nut confection. U. S. v. 254 Boxes of Date Nut Confections. Consent decree of condemnation. Product released under bond for reconditioning.** (F. D. C. No. 3529. Sample No. 55727-E.)

This product was undergoing fermentation.

On December 16, 1940, the United States attorney for the Southern District of California filed a libel against 254 boxes of the above-named product at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 9, 1940, by the Satterberg Brokerage Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. This shipment comprised a lot of goods that had been rejected and returned to the original shipper. The article was labeled in part: "LA-Nut Brand \* \* \* L. A. Nut House, Los Angeles California, Coconut Rolled, Walnut Stuffed, Calif Date Nut Confection."

On January 4, 1941, the Los Angeles Nut House having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.



**1883. Adulteration and misbranding of candy. U. S. v. 21 Cases of Chocolate Covered Cordial Cherries. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 3467. Sample No. 31520-E.)**

This article contained a nonnutritive substance, sulfur dioxide; and a chemical preservative, sodium benzoate, which was not declared. The boxes containing this product had a capacity of about 73 cubic inches, while the candy could have been placed in a box of 58 cubic inches capacity. The statement of the ingredients was inconspicuously printed in black ink on a blue background on the front of the box.

On December 3, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 21 cases of candy at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 15, 1940, by the Cosmopolitan Candy Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Lady Bess Chocolate Covered Cordial Cherries."

The article was alleged to be adulterated in that it was confectionery and contained a nonnutritive substance, sulfur dioxide.

It was alleged to be misbranded (1) in that its container was so made, formed, or filled as to be misleading; (2) in that the statement of ingredients required by the act to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and (3) in that it contained sodium benzoate, a chemical preservative, and did not bear labeling stating that fact.

On January 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

**1884. Adulteration of candy eggs. U. S. v. 71 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 4101, 4102. Sample Nos. 40547-E, 40548-E.)**

This product was an egg-shaped hollow candy shell, at one end of which was a glass lens through which paper figures in the interior of the egg could be viewed.

On March 31, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 71 boxes of candy at Philadelphia, Pa., alleging that the article had been shipped on or about February 12 and 19, 1941, by the Panorama Novelty Co. from Baltimore, Md.; and charging that it was adulterated. It was labeled in part: "Panorama Eggs."

The article was alleged to be adulterated in that (1) it consisted in whole or in part of a filthy substance, namely, rodent hairs; (2) it might have been prepared under insanitary conditions whereby it might have become contaminated with filth; and (3) it was confectionery and bore or contained a nonnutritive article, namely, a glass lens.

On April 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1885. Misbranding of candy. U. S. v. 7 Cases of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3901. Sample No. 44030-E.)**

This product was short of the declared weight.

On March 3, 1941, the United States attorney for the District of Colorado filed a libel against 7 cases of candy at Denver, Colo., that had been consigned by the Edith Cavell Candy Co. from Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 3, 1940; and charging that it was misbranded. The article was labeled in part: (Packages) "16 Ounces Ye famous Old Southern Style \* \* \* Edith Cavell's Honey Flavored Nut Crisp."

It was alleged to be misbranded in that the statement "16 Ounces" was false and misleading since it was incorrect; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On March 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**1886. Misbranding of candy. U. S. v. 98 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 4725. Sample No. 51070-E.)**

On May 14, 1941, the United States attorney for the District of Rhode Island filed a libel against 98 boxes of candy at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about March 7, 1941,



from Boston, Mass., by the Liberty Chocolate Co.; and charging that it was misbranded in that the statement "One Pound Net," appearing on the label, was false and misleading as applied to an article that was short weight, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents. The article was labeled in part: "Fancy Fruits in Cordial Cream Chocolate Covered \* \* \* One Pound Net \* \* \* Mfg. by Liberty Chocolate Co."

On June 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to public or charitable institutions.

**1837. Misbranding of chocolate candy. U. S. v. 21 Boxes of Candy. Default decree of condemnation; product ordered distributed to charitable institutions. (F. D. C. No. 3464. Sample No. 38858-E.)**

This product was deceptively packaged in that the lower layer was not filled to capacity, the partitions in the lower layer were higher than necessary, and there were two wads of tissue paper between the two layers. Moreover, it fell short of the declared weight and failed to meet certain other labeling requirements of the law.

On December 4, 1940, the United States attorney for the District of Minnesota filed a libel against 21 boxes of candy at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about November 1, 1940, by the Cosmopolitan Candy Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Evergreen Season's Greetings \* \* \* Net Weight Five Pounds."

It was alleged to be misbranded (1) in that the statement "Net Weight Five Pounds" was false and misleading since it was incorrect; (2) in that it was in package form and did not bear an accurate statement of the quantity of contents; (3) in that its container was so made, formed, or filled as to be misleading; (4) in that the name and place of business of the manufacturer, packer, or distributor, and the statement of quantity of contents required by law to appear on the labeling were not prominently placed thereon with such conspicuousness (as compared with the other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; (5) in that its label did not bear the common or usual name of the food; and (6) in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 7, 1941, an amended decree was entered, ordering that the candy be distributed to charitable institutions.

**1888. Misbranding of candy. U. S. v. 28 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3528. Sample No. 52522-E.)**

This product was deceptively packaged in that the bottom layer of candy contained only about 40 pieces, while the upper layer contained an average of 53 pieces; paper cushions were placed between the two layers and in the top of the boxes. Furthermore, the name and address of the manufacturer and the weight statement were inconspicuous.

On December 17, 1940, the United States attorney for the District of Idaho filed a libel against 28 cases of candy at Wallace, Idaho, alleging that the article had been shipped in interstate commerce on or about October 30, 1940, by the Zion Candy Co. from Zion, Ill.; and charging that it was misbranded. The article was labeled in part: "Zion Happy Home Assorted Chocolates \* \* \* 2½ Pounds Net."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the name and place of business of the manufacturer, packer, or distributor, and the statement of the quantity of the contents required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On February 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## MISCELLANEOUS

**1889. Adulteration of ice cream cones. U. S. v. 9 Crates, 14 Crates, 4 Crates, and 13 Crates of Ice Cream Cones. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4027, 4034, 4063, 4088. Sample Nos. 55610-E, 55618-E, 55690-E, 55691-E.)

This product had been shipped in second-hand crates which were filthy; in many instances the product was not properly protected by wrapping. Rodent hairs and insect fragments were found in both the crates and cones.

On March 25 and April 3, 1941, the United States attorney for the District of Oregon filed libels against 9 crates of ice cream cones at Eugene, Oreg.; 4 crates at Portland, Oreg.; and 27 crates of the same product at Salem, Oreg., alleging that the article had been shipped within the period from on or about March 10 to on or about March 19, 1941, by the Sugar-Crisp Cone Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Crates) "Frozen Drumstick Chocolate Coated Cones."

On May 13, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1890. Adulteration of blackstrap molasses. U. S. v. 14 Barrels of Blackstrap Molasses. Default decree of condemnation and destruction.** (F. D. C. No. 2480. Sample No. 26932-E.)

This product contained lead.

On August 3, 1940, the United States attorney for the Western District of Washington filed a libel against 14 barrels of blackstrap molasses at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 29, 1940, by the Western Sugar Refinery from San Francisco, Calif.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health. The article was labeled in part: "The blackstrap molasses contained herein is not sold as a food and is not to be resold or used as a food or as a component part of any food unless it is so processed as to comply with the Federal Food, Drug, and Cosmetic Act and all regulations issued thereunder. Distributed by Western Sugar Refinery."

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1891. Misbranding of table sirup. U. S. v. 198 Cases of Sirup. Default decree of condemnation. Product ordered distributed to local charitable organizations.** (F. D. C. No. 4255. Sample Nos. 35078-E, 35079-E.)

This product consisted of a mixture of corn sirup, cane-sugar sirup, and a cane-flavored product. It had been shipped in interstate commerce unlabeled and was being sold, unlabeled, as cane sirup. The consignee had no agreement with the shipper relative to relabeling the product.

On April 7, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 190 cases, each containing 6 No. 10 cans, and 8 cases, each containing 24 No. 2½ cans, of sirup at Jackson, Miss., alleging that the article had been shipped on or about March 17, 1941, by the T. J. Blackburn Syrup Works from Jefferson, Tex.; and charging that it was misbranded.

It was alleged to be misbranded (1) in that it was offered for sale under the name of another food; (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (3) in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents; (4) in that its label failed to bear the common or usual name of the food which it purported to be; and (5) in that it was fabricated from two or more ingredients and failed to bear the common or usual name of each ingredient.

On May 7, 1941, no claimant having appeared, judgment of condemnation and destruction was entered. On the same day a supplemental order was entered providing for delivery of the product to local charitable organizations in lieu of destruction, for the exclusive use of such organizations.



## FLAVORS

**1892. Adulteration of imitation lemon flavor. U. S. v. 25 Cases of Imitation Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 3878. Sample No. 32689-E.)**

Analysis showed that this product contained so little flavoring principle that it was practically worthless for flavoring purposes.

On February 26, 1941, the United States attorney for the Southern District of California filed a libel against 25 cases of imitation lemon flavor at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 20, 1940, by the Whitehall Food Manufacturing Corporation from Brooklyn, N. Y.; and charging that it was adulterated. It was labeled in part: (Bottles) "Maison Royal Imitation Lemon Flavor."

The article was alleged to be adulterated in that a solution containing a trace of citral, having little or no value as a flavoring, had been substituted wholly or in part for "Imitation Lemon Flavor"; in that inferiority had been concealed by mixing with water and color; in that water had been added thereto so as to reduce its strength; and in that color had been added thereto so as to make it appear better or of greater value than it was.

On April 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1893. Adulteration and misbranding of vanilla extract. U. S. v. 594 and 645 Bottles of Vanilla Extract. Default decrees of condemnation and destruction. (F. D. C. Nos. 3770, 3843. Sample Nos. 20750-E, 37146-E.)**

This product contained resinous substances not found in genuine vanilla extract.

On or about February 10 and 20, 1941, the United States attorneys for the Southern District of Florida and the Southern District of Georgia filed libels against 594 bottles of vanilla extract at Camp Blanding, Fla., and 645 bottles of vanilla extract at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about January 15, 1941, by Duke & Benedict Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Pure Extract Vanilla \* \* \* Distributors Huguenot Laboratories Mount Vernon, N. Y."

The article was alleged to be adulterated in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Vanilla Extract"; in that inferiority had been concealed through the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statement "Pure Extract Vanilla" was false and misleading; in that it was offered for sale under the name of another food; and in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated.

On March 13 and 27, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1894. Adulteration and misbranding of vanilla extract. U. S. v. 20 Cases of Vanilla Extract (and 2 other seizure actions against vanilla extract). Default decrees of condemnation and destruction. (F. D. C. Nos. 3636, 3640, 3641. Sample Nos. 24613-E, 39509-E, 50432-E.)**

Examination showed that this product contained artificial flavor and ash material derived from sources other than the vanilla bean, and that it contained little or no vanilla extract.

On January 6 and 10, 1941, the United States attorneys for the Eastern District of Missouri, the Eastern District of Pennsylvania, and the Eastern District of Virginia filed libels against 20 cases of vanilla extract at Jefferson Barracks, Mo., 50 cases at Philadelphia, Pa., and 29 cases at Marine Barracks, Quantico, Va., alleging that the article had been shipped in interstate commerce on or about October 22 and 29, 1940, by the Jersey Belle Food Products Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Lovely Brand Pure Vanilla Extract Packed by General Desserts Corp. New York, N. Y. Contents 8 [or "4"] Fl. Ozs."

It was alleged to be adulterated in that a hydroalcoholic solution containing added ash material, artificial flavor, and little, if any, vanilla extract had been substituted wholly or in part for vanilla extract, which it purported to be; in that inferiority had been concealed by the addition of ash material and artificial



flavor; and in that ash material and artificial flavor had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

The article was alleged to be misbranded in that the statement "Pure Vanilla Extract" was false and misleading; in that it was offered for sale under the name of another food; in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; and in that it contained artificial flavoring and it did not bear labeling stating that fact.

On January 25, February 4, and March 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1895. Adulteration and misbranding of vanilla extract. U. S. v. 58 Cartons of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 3892. Sample No. 50091-E.)**

This product contained vegetable extractives from sources other than the vanilla bean, which contained resinous material simulating vanilla resins.

On February 27, 1941, the United States attorney for the District of Columbia filed a libel against 58 cartons of vanilla extract at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 19, 1940, by the Jersey Belle Food Products Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "1 Quart Pure Extract Vanilla Plantation Extract Corp. New York, N. Y."

The article was alleged to be adulterated in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Vanilla Extract"; in that inferiority had been concealed through the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statement "Pure Extract Vanilla" was false and misleading; in that it was offered for sale under the name of another food; and in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated.

On March 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1896. Adulteration and misbranding of vanilla extract. U. S. v. 150 Cartons of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 3954. Sample No. 1594-E.)**

This product contained resinous substances not found in genuine vanilla extract.

On March 12, 1941, the United States attorney for the District of Maryland filed a libel against 150 cartons of vanilla extract at Fort George G. Meade, Md., alleging that the article had been shipped in interstate commerce on or about January 22, 1941, by F. H. Leggett & Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "8 Fl. Oz. Pure Extract Vanilla Plantation Extract Corp. New York, N. Y."

The article was alleged to be adulterated in that an imitation vanilla extract containing resinous substances not found in genuine vanilla had been substituted wholly or in part for "Pure Extract Vanilla"; in that inferiority had been concealed by the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statement "Pure Extract Vanilla" was false and misleading; in that it was offered for sale under the name of another food; and in that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter, the name of the food imitated.

On April 16, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

**1897. Misbranding of vanilla extract. U. S. v. 15 Cases and 20 Cases of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 3661. Sample No. 55368-E.)**

This product contained a smaller proportion of alcohol than that declared on the label; and it was deceptively packaged in that the distance from the top



of the bottle to the top of the carton was approximately  $\frac{7}{8}$ -inch, and the cartons each had a cardboard liner.

On January 10, 1941, the United States attorney for the Western District of Washington filed a libel against 35 cases, each containing 24 bottles, of vanilla extract at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 31, 1940, by Wadhams & Co. from Portland, Oreg.; and charging that it was misbranded. It was labeled in part: (Cartons) "Contents 1 [or "2"] Fl. Oz. Red and White Brand Extract of Pure Vanilla."

The article was alleged to be misbranded (1) in that the statement on the individual bottle cartons, "50% Alcohol," was false and misleading as applied to an article containing slightly less than 35 percent alcohol; (2) in that the statement on the bottle cartons, "Guaranteed Absolutely Pure and to comply with all pure food laws," was false and misleading since it was incorrect; and (3) in that its container was so made, formed, or filled, as to be misleading.

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1898. Adulteration and misbranding of vanilla extract. U. S. v. 1,346 Bottles of Vanilla Extract (and 7 other seizure actions against vanilla extract). Default decrees of condemnation. Portion of product ordered delivered to charitable organization; remainder ordered destroyed.** (F. D. C. Nos. 3764 to 3768, incl., 3788, 3789, 4391. Sample Nos. 20179-E, 37134-E, 37135-E, 37137-E, 37140-E, 37141-E, 37142-E, 37235-E, 37236-E, 37237-E, 43178-E, 43179-E, 43181-E.)

This product contained resinous substances not found in genuine vanilla.

Between February 5 and April 21, 1941, the United States attorneys for the Middle District of Georgia, Southern District of Georgia, Northern District of Georgia, Southern District of Florida, Eastern District of North Carolina, Eastern District of South Carolina, and Western District of Oklahoma filed libels against 1,346 bottles of vanilla extract at Fort Benning, Ga., 489 bottles at Tampa, Fla., 88 bottles at Fort Screven, Ga., 1,056 bottles at Fort Bragg, N. C., 437 bottles at Fort Moultrie, S. C., 185 bottles at Fort McPherson, Ga., 160 bottles at Fort Oglethorpe, Ga., and 603 bottles at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about July 23 to on or about December 27, 1940, by the Midwest Laboratories (or Midwest Laboratories Astrol Co.) from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Pure Extract Vanilla."

The article was alleged to be adulterated in that an imitation vanilla extract containing substances not found in genuine vanilla extract had been substituted wholly or in part for pure vanilla extract; in that inferiority had been concealed through the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; in that it was offered for sale under the name of another food; and in that it was an imitation of another food, and its label did not bear in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

Between the dates of March 1 and May 28, 1941, no claimant having appeared, judgments of condemnation were entered. The product seized in the Middle, Northern, and Southern Districts of Georgia, Southern District of Florida, and Eastern District of South Carolina were ordered destroyed immediately, and the product seized in the Western District of Oklahoma was ordered delivered to a charitable organization. The lot seized in the Eastern District of North Carolina was ordered destroyed after 30 days unless taken down under bond by the owner and was destroyed in accordance with said order.

## SPICES

**1899. Adulteration and misbranding of paprika. U. S. v. 12 Bags of Paprika. Default decree of condemnation and destruction.** (F. D. C. No. 3550. Sample No. 37221-E.)

This product consisted of corn meal containing added oil, ground pepper, and artificial color. It also contained insect fragments.

On or about December 20, 1940, the United States attorney for the Southern



District of Florida filed a libel against 12 bags of paprika at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about October 29, 1940, by Armando Velasquez from Havana, Cuba; and charging that it was adulterated and misbranded. The article was labeled in part: "Paprika Product of Cuba."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; in that a valuable constituent, paprika, had been in whole or in part omitted therefrom; in that a substance, corn meal containing added oil, dried ground pepper, and artificial color, had been substituted wholly or in part for paprika, which it purported to be; and in that damage or inferiority had been concealed.

It was alleged to be misbranded in that the name "Paprika" was false and misleading; in that it was offered for sale under the name of another food; in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and directly thereafter the name of the food imitated; in that it was in package form and failed to bear a label containing the name and address of the manufacturer, packer, or distributor; in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and in that it contained artificial coloring and its label failed to bear a statement of that fact.

On January 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1900. Adulteration and misbranding of paprika. U. S. v. 1 Bag of Paprika. Default decree of condemnation and destruction.** (F. D. C. No. 3855. Sample No. 46549-E.)

Examination showed that this product consisted essentially of corn meal with only a small quantity of ground paprika, and that it was contaminated with rodent hairs and insect fragments. Its label failed to comply with certain labeling requirements of the law as indicated below.

On February 21, 1941, the United States attorney for the Southern District of New York filed a libel against 1 bag of paprika at New York, N. Y., alleging that the article had been shipped on or about November 13, 1940, from Miami, Fla., by the C. A. Burnet Warehouse & Trans. Co. on order of Florida Food Sales; and charging that it was adulterated and misbranded. It was labeled in part: "Paprika Product of Cuba Net Weight 110 lbs."

The article was alleged to be adulterated (1) in that it consisted in whole or in part of a filthy substance; (2) in that a valuable constituent, paprika, had been in whole or in part omitted therefrom; (3) in that a substance, corn meal containing a small quantity of ground paprika, had been substituted wholly or in part for paprika; and (4) in that damage or inferiority had been concealed.

It was alleged to be misbranded (1) in that the name "Paprika" was false and misleading as applied to corn meal containing a small quantity of ground paprika; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that it was in package form and failed to bear a label containing the name and the place of business of the manufacturer, packer, or distributor; and (5) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On March 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.







# INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 1701-1900

## PRODUCTS

	N. J. No.		N. J. No.
Alfalfa meal	<sup>1</sup> 1718	Molasses	1890
Apple chops	1785	Nuts and nut products	1825-1838, 1841
Apricots, dried	1786	Oil	1839, 1840
Asparagus, canned	1767	Oysters	1744-1747
Bakery products	1712-1715	Paprika	1899, 1900
Beans and pork, canned	1769	Peanut(s)	1836
Beverages and beverage materials	1701-1707	butter	1841
Blueberries	1757	Peas, field, with snaps, canned	1768
frozen	1771	Pecan(s)	1827-1835
Butter	1722-1738	pieces	1826, 1827
Candy	1841-1888	Pike, frozen	1753
Cereal products	1708-1717	Pineapple juice	1703
Cherries, canned	1759, 1760	Pollock, frozen	1754
Chickens. <i>See</i> Poultry.		Pork and beans, canned. <i>See</i> Beans	
Cookies	1712, 1713	and pork, canned.	
Cottonseed feed	1719, 1720	Potatoes	1758
Crab meat	<sup>2</sup> 1743	Poultry	1722, 1790-1821
Crackers	1712	Pretzels	1715
graham	1714	Prunes	1787
Dairy feed	1721	canned	1766
products	1722-1738	Pumpkin, canned	1770
Dog and cat food	1823, 1824	Raisins	1788, 1789
Egg(s), frozen	1739-1742	Rhubarb, canned	1764, 1765
yolks, frozen	1742	Rye flour	1711
Feed	1718-1721	Salmon, canned	1748-1751
Figs and prunes	1787	Scrod, frozen	1755
Filberts	1825	Self-rising flour	1710
Fisheries products	1743-1756	Sirup, table	1891
Flavors	1892-1898	Spaghetti	1716, 1717
Flour	1708-1711	Spices	1899, 1900
Fruit(s) and vegetables(s)	1757-1789	Tea	1701
canned	1759-1770	Tomato(es)—	
dried	1785-1789	canned	1773-1778
fresh	1757, 1758	catsup	1779-1782
frozen	1771, 1772	juice	1704-1707
tomatoes and tomato products	1773-1784	paste	1773, 1774, 1783
Ginger, crystallized	1852	puree	1779, 1781, 1782, 1784
Graham crackers	1714	Tullibeas, frozen	1756
Huckleberries, canned	1761-1765	Tuna, canned	1752
frozen	1772	Turkey(s)	1796,
Ice cream cones	1889	1797, 1809, 1811, 1812, 1814, 1818, 1820	
Lemon flavor	1892	paste	1822
Macaroni products	1716, 1717	Vanilla flavor	1893-1898
Malted milk, chocolate	1702	Walnut meats	1837, 1838
Meat and meat products	1722, 1790-1824		

## SHIPPERS, PROCESSORS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Acme Candy Co.:		Becker Pretzel Bakeries, Inc.:	
candy	1843	pretzels	1715
American Candy Manufacturing Co.:		Bellevue Creamery & Produce Co.:	
candy	1844	poultry	1801
Anamosa Poultry & Egg Co.:		Belmont Candy Co.:	
poultry	1792	candy	1845
Apte Bros.:		Benson Produce Co.:	
tomato juice	1704	poultry	1808
Argonaut Milk Co.:		Bestaste Products Co.:	
butter	1733	tomato paste	1774
Armour & Co.:		Blackburn, T. J., Syrup Works:	
butter	1727	table sirup	1891
poultry	1793	Bobs Candy & Pecan Co.:	
Armour Creameries:		candy	1846
butter	1727	Boote's Hatcheries Packing Co.:	
poultry	1793	poultry	1794
Astarbi, P., & Co., Inc.:		Bowman & Co.:	
tomato paste	1774	eggs, frozen	1739
Bay Fish Co.:		Bradas & Gheens, Inc.:	
scrod, frozen	1755	candy	1847

<sup>1</sup> Prosecution contested.

<sup>2</sup> Permanent injunction issued.



	N. J. No.		N. J. No.
Breakstone Bros.:		Enoch Packing Co.:	
butter-----	1724	raisins-----	1788
Brooklyn Wholesale Grocery Co.:		Eureka Creamery:	
salmon, canned-----	1751	butter-----	1723
Buelow, C. F., Co., Inc.:		Eyres Transfer & Warehouse Co.:	
salmon, canned-----	1751	huckleberries, canned-----	1761
Burge, H. T.:		Fassett & Co.:	
huckleberries, frozen-----	1772	huckleberries, canned-----	1762
Burnet, C. A., Warehouse & Trans.		Filigree Quality Foods, Inc.:	
Co.:		tuna, canned-----	1752
paprika-----	1900	Finklea Pecan Co.:	
Camp, Wm. A., Co.:		pecans, shelled-----	1829
apricots, dried-----	1786	First National Pickle Products:	
nuts-----	1825	tomato products-----	1782
Candy House:		Fish, S. T., & Co.:	
candy-----	1848	pecans, shelled-----	1835
Canoga Farms:		Flotill Products, Inc.:	
figs and prunes-----	1787	tomatoes and tomato products-----	1773
Capolino Products Co.:		Foremost Sales Co., Inc.:	
tomato paste-----	1783	butter-----	1724
Carroll-Brough & Robinson:		Foster Pecan Co.:	
macaroni products-----	1716	pecans, shelled-----	1830
Cavell, Edith, Candy Co.:		Fox, Peter, Sons Co.:	
candy-----	1885	butter-----	1730, 1732
Cedarburg Canneries, Inc.:		Fresh Dressed Poultry Co.:	
tomato juice-----	1705	turkeys-----	1811
Center Milk Products Co.:		Freshman Vitamin Co.:	
butter-----	1730	chocolate-malted milk-----	1702
Central Markets, Inc.:		Friday Canning Corporation:	
butter-----	1728	pork and beans, canned-----	1769
Clover Cream Dairy Products Co.:		Frigid Food Products, Inc.:	
butter-----	1731	egg yolks, frozen-----	1742
Cloverdale Products:		Gas City Canning Co.:	
pike, frozen fillets-----	1753	tomatoes, canned-----	1775
Commercial Creamery Co.:		Gavin Bros., Inc.:	
eggs, frozen-----	1740	salmon, canned-----	1748
Consumers Wholesale Grocery:		General Desserts Corporation:	
cherries, canned-----	1759	vanilla extract-----	1894
Cooper Candy Co.:		Gilliam Candy Co.:	
candy-----	1849	candy-----	1860
Cosmopolitan Candy Co.:		Gimer, A. D.:	
candy-----	1883, 1887	butter-----	1725
Cosner Candy Co.:		G. L. Baking Co.:	
candy-----	1850	bakery products-----	1712
Cranbury Poultry Co.:		Glickstern, Louis:	
poultry-----	1795	candy-----	1861
Crisfield Packing Co.:		Gloucester Fresh Fish Co.:	
oysters-----	1744	scrod, frozen-----	1755
Crystal Candy Co.:		Goldsmith, G. E.:	
candy-----	1851	dog and cat food-----	1823, 1824
Cuccia, G., & Sons, Inc.:		Gomperts, Jack, & Co.:	
tomato paste-----	1774	apricots, dried-----	1786
Cudahy Packing Co.:		Gorton-Pew Fisheries, Ltd.:	
butter-----	1726	pollock, frozen-----	1754
Dan Valley Mills:		Great Atlantic & Pacific Tea Co.:	
flour, self-rising-----	1710	butter-----	1736
Dasher Pecan Co.:		Gross Bros., Inc.:	
pecans, shelled-----	1828	rye flour-----	1711
Deer Park Baking Co., Inc.:		Gunter Food Products Co.:	
cookies-----	1713	pumpkin, canned-----	1770
Delapenha, R. U., & Co., Inc.:		Harbor City Canning Co.:	
candied fruits-----	1852	tomato paste-----	1774
candy-----	1853	Harp, O. G.:	
crystallized ginger-----	1852	butter and poultry-----	1722
Demartini, L., Co.:		Harp, O. G., Poultry & Egg Co.:	
walnut meats-----	1837	butter-----	1722
Denison Poultry & Egg Co.:		poultry-----	1722, 1796
turkeys-----	1809	Hawaii Meat Co.:	
DeRosa, M., Inc.:		butter-----	1733
tomato paste-----	1773	Hawthorn Melody Farms Dairy:	
Dillon Candy Co.:		butter-----	1731
candy-----	1841	Heidelberger Confectionery Co., Inc.:	
peanut butter-----	1841	candy-----	1862
Dixie Candy Co., Inc.:		Hellerick, Frank, Co., Inc.:	
candy-----	1854	butter-----	1738
Dockman, John H., & Son, Inc.:		Henderson Produce Co.:	
candy-----	1855	poultry-----	1812
Duke & Benedict Co.:		Herrman-McLean Co.:	
vanilla extract-----	1893	dairy feed-----	1721
Duluth Apter Poultry Products:		Hill, J. B.:	
poultry-----	1810	candy-----	1842
Dwinell-Wright Co.:		Hodges Candy Co.:	
tea-----	1701	candy-----	1863
Eastman Creamery Co.:		Huguenot Laboratories:	
butter-----	1732	vanilla extract-----	1893
Edwards, G. T., Co.:		Hushion, D., Ltd.:	
candy-----	1856	blueberries, frozen-----	1771
Elmer Candy Co., Inc.:			
candy-----	1857-1859		



	N. J. No.		N. J. No.
Independent Candy Co.:		National Produce Co.:	
candy-----	1864	poultry-----	1813
Jerpe Commission Co., Inc.:		Nevada Poultry Co.:	
turkeys-----	1797	poultry-----	1800
Jersey Belle Food Products Co.:		North American Creameries, Inc.:	
vanilla extract-----	1894, 1895	butter-----	1724
Josselyn's:		Northwest Dairy Forwarding Co.:	
candy-----	1865	butter-----	1738
Kansas City Macaroni & Importing		Olsen-Keogh Co.:	
Co., Inc.:		turkeys-----	1820
macaroni products-----	1716	Omaha Cold Storage Co., Inc.:	
Kansas City Wholesale Grocery:		poultry-----	1801
rhubarb, canned-----	1764	Orbaker & Bush:	
Kearney, Wm. T., Co.:		apple chops-----	1785
candy-----	1866	Ossola, J., Co.:	
Kelley, Farquhar & Co.:		tomato paste-----	1774
huckleberries, frozen-----	1772	Otoe Food Products Co.:	
Kelly, R. O.:		asparagus, canned-----	1767
field peas with snaps, canned-----	1768	Overland Candy Corporation:	
Kentucky Macaroni Co.:		candy-----	1872
macaroni products-----	1717	Pacific Fruit & Produce Co.:	
Klotz Confection Co.:		tomato catsup-----	1780
candy-----	1867	Packer Products Co.:	
Kozloff, J.:		dog and cat food-----	1823, 1824
tullibeas, frozen-----	1756	Panorama Novelty Co.:	
La Buda, Paul:		candy eggs-----	1884
blueberries-----	1757	Parrott & Co.:	
Lake Erie Canning Co.:		tomatoes, canned-----	1776
tomato products-----	1781, 1782	Pastene & Co., Inc.:	
Lamar Alfalfa Milling Co.:		tomatoes, canned-----	1773
alfalfa meal-----	<sup>1</sup> 1718	Peterson-Biddick Co.:	
Lambert Farm & Pecan Co.:		poultry-----	1810
pecan meats-----	1831	Pickwick Creamery:	
Lambert & Son Farm & Pecan Co.:		butter-----	1734
pecans, shelled-----	1832	Pierce, S. A.:	
Leggett, Francis H., & Co.:		pecans, shelled-----	1834
tomato products-----	1774, 1782	Pietrus, A. J., & Sons:	
vanilla extract-----	1896	poultry-----	1802
Liberty Candy Co.:		Pilley, Frank, & Sons Co.:	
candy-----	1842	poultry-----	1803
Liberty Chocolate Co.:		Plantation Extract Corporation:	
candy-----	1886	vanilla extract-----	1895, 1896
Lion Packing Co.:		Previte, N. P.:	
raisins-----	1789	olive oil-----	1840
Litchfield Produce:		Priebe & Sons, Inc.:	
poultry-----	1798	turkeys-----	1814
Lore, J. C., & Sons:		Pringle Brokerage Co.:	
oysters-----	1745	tomato products-----	1779
Los Angeles Nut House:		Producers Produce Co.:	
date nut confection-----	1868, 1882	poultry-----	1799
Loudon Packing Co.:		Pruitt Produce Co.:	
tomato juice-----	1706	poultry-----	1790
Martini, Joseph:		Pruitt, W. B. See Pruitt Produce	
olive oil-----	1840	Co.	
McAfee Candy Co.:		Pure Foods Corporation:	
candy-----	1842	rhubarb, canned-----	1764, 1765
McAfee, C. O. See McAfee Candy Co.		Ragland, C. B., Co.:	
Meadors Manufacturing Co.:		macaroni products-----	1717
candy-----	1869	Red River Cotton Oil Co., Inc.:	
Merchants Creamery Co.:		cottonseed feed-----	1719
butter-----	1729	Renwick Community Creamery:	
Merchants Refrigerator Co.:		butter-----	1725
poultry-----	1817	Richardson Laboratories Co.:	
Metzger, William, Co.:		chocolate-malted milk-----	1702
candy-----	1870	Riggin, W. E., & Co.:	
Midwest Laboratories:		oysters-----	1746
vanilla extract-----	1898	Riverbank Canning Co.:	
Midwest Laboratories Astrol Co.:		tomatoes and tomato products-----	1774
vanilla extract-----	1898	Rochester Egg & Poultry Co.:	
Miller Pecan Co.:		poultry-----	1804
pecan meats-----	1833	Rogak, J. M.:	
Minervini, John:		candy-----	1873
tomato paste-----	1774	Romance Chocolate Co.:	
M & M Sales Co.:		candy-----	1874, 1876
poultry-----	1799	Roundup Grocery Co.:	
Moosalina Products Corporation:		butter-----	1735
tomato paste-----	1773	Royal Clover Distributing Co.:	
Morten Milling Co.:		dog and cat food-----	1823, 1824
flour-----	1708	Salina Poultry Co.:	
Muskatell, Morris:		poultry-----	1807
salmon, canned-----	1749	Salvo & Berdon Candy Co.:	
National Biscuit Co.:		candy-----	1875
graham crackers-----	1714	San Man Chocolates, Inc.:	
National Candy Co., Inc.:		candy-----	1876
candy-----	1871	Satterberg Brokerage Co.:	
		date nut confections-----	1882

<sup>1</sup> Prosecution contested.



	N. J. No.		N. J. No.
Schuler Candy Co.:		Toney Candy Co.:	
candy -----	1877	candy -----	1879
Schuler Chocolates, Inc.:		Two Star Confectionery Co.:	
candy -----	1877	candy -----	1880
Sebeko Cooperative Creamery:		Tyler Candy Co.:	
butter -----	1736	candy -----	1881
Seymour Packing Co.:		Uddo Taormina Corporation:	
poultry -----	1805, 1806	tomato puree -----	1784
Shawnee Milling Co.:		tomatoes, canned -----	1778
flour -----	1709	United Purity Stores:	
Shehady, John:		butter -----	1735
potatoes -----	1758	Universal Carloading & Distributing	
Silverton Canning Co.:		Co.:	
tomatoes, canned -----	1777	butter -----	1738
Skrmetta, P. C., Sr. <i>See</i> Skrmetta		Val Vita Food Products, Inc.:	
Seafood Co.		tomato juice -----	1707
Skrmetta Seafood Co.:		Van Zandt Farms:	
crab meat -----	<sup>2</sup> 1743	turkey paste -----	1822
Slocumb Pecan Co.:		Varney Canning Co.:	
pecan pieces -----	1826	cherries, canned -----	1760
Smith, George E., Co.:		Velasquez, Armando:	
candy -----	1878	paprika -----	1899
Southern Edible Products Co.:		Vitelli, Luigi-Elvea, Inc.:	
pecans, shelled -----	1835	tomato paste -----	1783
Southwest Products Co.:		Wadhams & Co.:	
pineapple juice -----	1703	vanilla extract -----	1897
Spagna Oil Co.:		Ward, Z., & Sons:	
oil -----	1839	oysters -----	1747
Spagna Olive Oil Co.:		Washington Cotton Oil Mill, Inc.:	
olive oil -----	1840	cottonseed feed -----	1720
Spring Valley Butter Co.:		Weinberg Bros. & Co.:	
butter -----	1726	poultry -----	1818, 1819
Spring Valley Dairy:		Western Sugar Refinery:	
butter -----	1737	blackstrap molasses -----	1890
Springer, Frank:		Western Union Macaroni Mfg. Co.:	
pecan halves and pieces -----	1827	macaroni products -----	1716
Springer, J. M., Co.:		White, Sherman, & Co.:	
peanuts -----	1836	poultry -----	1815
Springfield Cold Storage Co.:		Whitehall Food Manufacturing Corp.:	
poultry -----	1806	lemon flavor -----	1892
Steinhardt & Nordlinger:		Williams, P. P., Co.:	
tuna, canned -----	1752	tomatoes, canned -----	1778
Steinmetz, John T., Produce Co.:		Williams, R. C., & Co.:	
poultry -----	1821	tomatoes and tomato products -----	1773
Stone, L. R., Co.:		Wilson & Co.:	
walnut meats -----	1838	butter -----	1728
Stork, A. P. <i>See</i> Stork, W. P.		eggs, frozen -----	1741
Stork, W. P.:		poultry -----	1798, 1800
poultry -----	1791	Winchester Dried Fruit Co.:	
Sugar-Crisp Cone Co.:		prunes, canned -----	1766
ice cream cones -----	1889	Worthington Creamery & Produce Co.:	
Sunflower Poultry Packers Assoc.:		turkeys -----	1818
poultry -----	1807	Zerillo & La Fata:	
Swift & Co.:		tomatoes with puree from trim-	
poultry -----	1816	mings -----	1774
Taylor Edwards Warehouse & Transfer		Zerillo, Lorenzo:	
Co.:		tomatoes and tomato products -----	1774
huckleberries, canned -----	1763	Zimmer & Duukak, Inc.:	
salmon, canned -----	1750	butter -----	1723
Tennessee Egg Co.:		Zion Candy Co.:	
poultry -----	1817	candy -----	1888
Tobian, Louis, & Co.:			
cottonseed feed -----	1720		

<sup>2</sup> Permanent injunction issued.

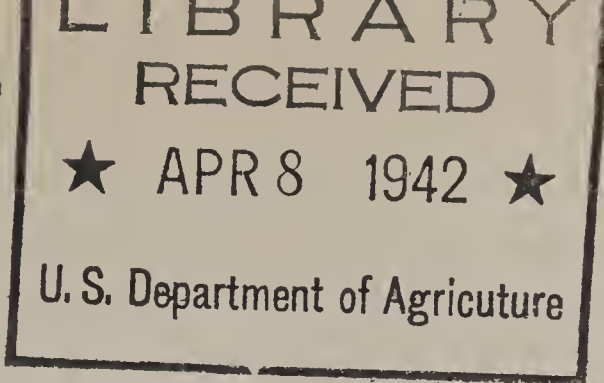












FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1901-2100

FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *January 20, 1942.*

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BEVERAGES AND BEVERAGE MATERIALS

COFFEE

**1901. Adulteration of coffee. U. S. v. 5 Sacks of Coffee. Default decree of condemnation and destruction.** (F. D. C. No. 4769. Sample Nos. 22167-E, 22168-E.)

Examination of this product showed the presence of moldy and worm-infested berries.

On May 14, 1941, the United States attorney for the Northern District of California filed a libel against 5 sacks of coffee at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about April 18, 1941, by the Moore McCormack Lines, Inc., from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## TEA

**1902. Misbranding of tea. U. S. v. 168 Packages of Tea. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 3827. Sample No. 50075-E.)**

This product occupied on an average about 60 percent of the capacity of the carton in which it was packed.

On February 15, 1941, the United States attorney for the District of Columbia filed a libel against 168 packages of tea at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia by the John H. Wilkins Co., Washington, D. C.; and charging that it was misbranded. It was labeled in part: (Cartons) "3 Ounces \* \* \* Swanee Tea Orange Pekoe and Pekoe Imported."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On April 17, 1941, the John H. Wilkins Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged under the supervision of the Food and Drug Administration.

## FRUIT AND VEGETABLE JUICES

**1903. Adulteration of canned grapefruit juice. U. S. v. 64 Cases of Canned Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 4592. Sample Nos. 56526-E, 56527-E.)**

On May 3, 1941, the United States attorney for the Southern District of New York filed a libel against 64 cases, each containing 24 No. 2 cans, of grapefruit juice at New York, N. Y., alleging that the article had been shipped on or about February 7 and 20, 1941, by Olmito Packing Co. from Brownsville, Tex.; and charging that it was adulterated in that it had been prepared under insanitary conditions. The article was labeled in part: "Dellford Brand \* \* \* Grapefruit Juice."

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1904. Misbranding of grapefruit juice. U. S. v. 94 Cases of Grapefruit Juice. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3516. Sample No. 4353-E.)**

The label of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about December 27, 1940, the United States attorney for the Northern District of Illinois filed a libel against 94 cases of grapefruit juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 4, 1940, by Tolson Davies Co. from Brownsville, Tex.; and charging that it was misbranded. The article was labeled in part: "Perk-Up \* \* \* Unsweetened Grapefruit Juice."

It was alleged to be misbranded in that the statements, "Recommended \* \* \* as a help in the prevention of colds and \* \* \* also helpful in keeping the system on the 'alkaline' side." were false and misleading. It was also alleged to be misbranded under the provisions of the law applicable to drugs, reported in D. D. N. J. No. 383.

On February 3, 1941, the Tolson Davies Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled.

**1905. Misbranding of beverage base. U. S. v. 254 Cases of Beverage Base. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3884. Sample No. 7618-E.)**

Analysis showed that this product contained an undeclared preservative, namely, sulfur dioxide.

On February 26, 1941, the United States attorney for the Southern District of California filed a libel against 254 cases, each containing 4 bottles, of beverage base at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 15, 1941, by Squirt Co. from Glendale, Ariz.; and charging that it was misbranded. It was labeled in part: (Bottles) "Net Contents 1 Gallon Bottlers Base for (grapefruit flavor) Squirt Contains no Preservative."

The article was alleged to be misbranded (1) in that the statement "Contains no Preservative" was false and misleading as applied to an article containing



a preservative; and (2) in that it contained a chemical preservative, but failed to bear labeling stating that fact.

On March 11, 1941, Edward W. Mehren and H. B. Bishop, trading as the Squirt Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**1906. Misbranding of beet juice and carrot juice. U. S. v. 90 Cases of Queen of Sheba Brand Beet Juice and 2,800 Cases of Queen of Sheba Brand Carrot Juice. Decree of condemnation. Products ordered released under bond for relabeling.** (F. D. C. No. 2495. Sample Nos. 8904-E to 8906-E, incl.)

The labeling of these products bore false and misleading representations regarding their efficacy in the conditions indicated hereinafter and also bore claims containing misleading implications regarding their nutritive properties.

On August 6, 1940, the United States attorney for the District of Minnesota filed a libel against 90 cases of beet juice and 2,800 cases of carrot juice at Minneapolis, Minn., alleging that the articles had been shipped in interstate commerce in the period from on or about April 12 to on or about April 26, 1940, by the Lindsay-Nile Products, Inc., from Mission, Tex.; and charging that they were misbranded. The articles were labeled in part: "Queen of Sheba Brand Beet Juice [or "Carrot Juice" or "Carrot Juice Homogenized"] \* \* \* Write for free recipe booklet."

They were alleged to be misbranded in that the following statements appearing in a folder entitled "Healthful Hints for using 'Queen of Sheba' Brand Carrot, Beet and Grapefruit Juices," which folder was incorporated by reference in the labeling of the products by the statement "Write for free recipe booklet," and accompanied a portion of the articles were false and misleading, since they created the impression that the articles were efficacious for the purposes recommended; whereas they were not efficacious for such purposes: (Folder) "One can is the equivalent of 20 pounds of fresh carrots. \* \* \* Carrot juice should be used everywhere to bolster or fortify the regular diet. Hauser and Berg, in their 'Dictionary of Foods', say: 'Carrot Juice constitutes a powerful cleansing and acid-neutralizing food. Carrots contain an insulin-like ingredient and a hormone-like ferment called tokokin. This is probably why diabetics digest the sugar in carrots more easily than any other kind of sugar'. \* \* \* It is very high in alkaline minerals. \* \* \* It \* \* \* can be consumed in quantities large enough for rapid body revitalization. \* \* \* It facilitates the digestion of certain important auxiliary foods. \* \* \* it has also been established through biochemical research that: The alkalies in carrots, particularly the calcium, are more easily appropriated than those in other vegetables.—Blatherwick and Long. \* \* \* Carrots possess certain antiseptic properties which tend to limit putrefactive changes within the body.—Metchnikoff, Kellogg, Berg and others. Carrots grown in goiter-free sections are rich in iodine.—Sherman. Carrots supply considerable mucin, a substance that serves as a salve and lubricant for the mucous membranes.—Hauser. \* \* \* Because of its unique process of extraction, 'Queen of Sheba' Brand Beet Juice comes to you 'extra-mineralized.' \* \* \* It is high in natural sugar content and a source of body energy. It is also a good source of iron and copperas. \* \* \* Beets Are High in Carbohydrates. A good part of which is in the form of a soluble sugar necessary for body energy. Blood Building. Participates in the manufacture of the red corpuscles of the blood stream. Rejuvenates Tired Muscles strengthens muscle walls of heart. Aids digestion of other foods. Has a definite cleansing action in the blood stream. [Testimonials] Ulcerated Stomach and Nervous indigestion: \* \* \* Health and Beauty \* \* \* Blood Purifier \* \* \* anemic condition. \* \* \* Beet Juice Builds Blood \* \* \* Good For Nerves."

On September 24, 1940, the Lindsay-Nile Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled.

**1907. Misbranding of pepper and tomato juice. U. S. v. 19 Cases of Pepper and Tomato Juice. Default decree of condemnation and destruction.** (F. D. C. No. 3986. Sample No. 32962-E.)

Examination showed that this product was short of the declared volume.

On or about March 17, 1941, the United States attorney for the District of Arizona filed a libel against 19 cases, each containing 47 cans, of pepper and tomato juice at Phoenix, Ariz., alleging that the article had been shipped on or



about October 25 and November 6, 1940, by E. C. Ortega & Co. from Los Angeles, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Snap-E-Tom \* \* \* Juices Of Tomatoes And Green Chiles."

The article was alleged to be misbranded (1) in that the statement "Contents 12 Fluid Oz." was false and misleading since it was incorrect; and (2) in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On May 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1908. Adulteration of tomato juice. U. S. v. 84 Cases of Tomato Juice. Default decree of destruction.** (F. D. C. No. 4451. Sample No. 38668-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On April 22, 1941, the United States attorney for the District of North Dakota filed a libel (amended May 9, 1941) against 84 cases of tomato juice at Fargo, N. Dak., alleging that the article had been shipped in interstate commerce on or about October 9, 1940, by the Saukville Canning Co. from Saukville, Wis.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Armour's Star Tomato Juice."

On June 6, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

## CEREAL PRODUCTS

### CORN MEAL

**1909. Adulteration of corn meal. U. S. v. 30 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 2548. Sample No. 27293-E.)

This product contained rodent excreta and rodent hairs.

On August 13, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 30 bags of corn meal at Maysville, Ky., alleging that the article had been shipped in interstate commerce on or about July 31, 1940, by the P. H. Harsha Milling Co. from Portsmouth, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Harsha's Mills Fresh Ground Kiln Dried \* \* \* Magnolia Corn Meal."

On October 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1910. Adulteration of corn meal. U. S. v. 556 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to a hospital for use as dairy food.** (F. D. C. No. 3470. Sample No. 27736-E.)

Examination showed that this product contained rodent excreta.

On December 10, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 556 bags of corn meal at Williamson, W. Va., alleging that the article had been shipped on or about October 10, 1940, by Kasco Mills from Toledo, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "White 10 Lbs. Net Kasco Corn Meal."

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a hospital for use as dairy food, conditioned that it be denatured so that it could not be disposed of for human consumption.

**1911. Adulteration of corn meal. U. S. v. 104 Sacks of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 3787. Sample No. 50090-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be lumpy and moldy and to contain insect fragments, rodent excreta, and rodent hairs.

On February 7, 1941, the United States attorney for the District of Columbia filed a libel against 104 sacks of corn meal at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about January 14, 1941, by the Rapidan Supply Co. from Rapidan, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On March 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## SPAGHETTI

**1912. Misbranding of spaghetti. U. S. v. 24 Cases of Spaghetti. Decree ordering product released under bond to be repackaged.** (F. D. C. No. 2790. Sample No. 16686-E.)

Examination showed that this product occupied only about 75 percent of the capacity of the package. Approximately 3 ounces more of spaghetti could have been placed in each package.

On or about September 14, 1940, the United States attorney for the Western District of Missouri filed a libel against 24 cases, each containing 24 packages, of spaghetti at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 6, 1940, by Gooch Food Products Co. from Lincoln, Nebr.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. It was labeled in part: "Golden Wedding Ready Cut Spaghetti packed for Marshall Canning Co., Marshalltown, Iowa."

On December 4, 1940, the Gooch Food Products Co. having petitioned release of the product and having filed a cash bond conditioned that the product be repackaged in compliance with the law, judgment was entered authorizing the said Gooch Food Products Co. to recover the product and repackage it under the supervision of the Food and Drug Administration.

**1913. Misbranding of spaghetti. U. S. v. 88 and 87 Cases of Spaghetti. Consent decree of condemnation. Product ordered released for repackaging.** (F. D. C. No. 2202. Sample Nos. 5645-E, 5646-E.)

The containers in one lot of this product were only about 30 percent filled and those in the other lot were only about 50 percent filled.

On July 13, 1940, the United States attorney for the Eastern District of Tennessee filed a libel against 175 cases of spaghetti at Chattanooga, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about January 5 to on or about May 7, 1940, by the Kentucky Macaroni Co. from Louisville, Ky.; and charging that it was misbranded in that the packages were so made, formed, or filled as to be misleading. It was labeled in part: (Package) "OKay Brand Elbow [or "Long"] Spaghetti."

On July 23, 1940, the Kentucky Macaroni Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to be repackaged in cartons which met the requirements of the law.

**1914. Adulteration of canned spaghetti. U. S. v. 38 Cases of Canned Spaghetti. Default decree of condemnation and destruction.** (F. D. C. No. 3730. Sample No. 44639-E.)

The tomato sauce in this product contained excessive mold.

On February 1, 1941, the United States attorney for the District of Colorado filed a libel against 38 cases of canned spaghetti at Denver, Colo., which had been delivered for shipment by Superior Food Products, Inc., alleging that the article had been transported on or about September 4, 1940, from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Utaste Brand Italian Style Spaghetti Cooked with tomato sauce and cheese."

On April 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## MISCELLANEOUS

**1915. Adulteration of cookies. U. S. v. 644 Cartons of Assorted Cookies and 10 Cases of Chocolate Chip Cookies. Default decree of condemnation and destruction.** (F. D. C. Nos. 3951, 3952. Samples Nos. 24645-E, 24647-E.)

This product contained rodent hairs.

On March 11, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 644 cartons of assorted cookies and 10 cases each containing 12 cartons of chocolate chip cookies at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 10 and 18, 1941, by Hillman Cookie Co. from Baltimore, Md., and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it might have been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Freihofer's Cookies Black Walnut"; and "Hillman's Chocolate Chip Cookies."

On May 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**1916. Adulteration of corn chips. U. S. v. 10 Cases and 5 Cases of Corn Chips (and 1 other seizure action against corn chips). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4023, 4024. Sample Nos. 24800-E, 31239-E, 31240-E, 40601-E.)

This product contained rodent hairs.

On March 20 and 26, 1941, the United States attorneys for the Northern District of Illinois and the Eastern District of Pennsylvania filed libels against 15 cases of corn chips at Chicago, Ill., and 22 cases at Philadelphia, Pa., alleging that the article had been shipped by Tosto Foods, Inc., from Cincinnati, Ohio, within the period from on or about January 7 to on or about February 24, 1941; and charging that it was adulterated. The article was labeled in part: (Caus) "Tosto Corn Chips."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 1 and 13, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

## FEED

### POULTRY COD-LIVER OIL

**1917. Adulteration and misbranding of Dry-Clo "400". U. S. v. 213 Packages of Dry-Clo "400." Default decree of condemnation and destruction.** (F. D. C. No. 2148. Sample No. 16727-E.)

This product was represented to contain 400 A. O. A. C. chick units of vitamin D per gram and purported to be equivalent in feeding value to 400 D cod-liver oil; but it contained not more than 200 A. O. A. C. chick units of vitamin D per gram, about one-half the amount declared. It contained only 77 units, or less, of vitamin A per gram, which is about one thirty-sixth the amount of vitamin A that a product equivalent to 400 D cod-liver oil should contain.

On June 15, 1940, the United States attorney for the Eastern District of Oklahoma filed a libel against 213 packages of Dry-Clo "400" at Chickasha, Okla., alleging that the article had been shipped in interstate commerce on or about January 13, 1940, by Nowak Mills, Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that the valuable constituents, namely, vitamins D and A, had been wholly or in part omitted or abstracted therefrom.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading as applied to an article that contained not more than 200 A. O. A. C. chick units of vitamin D per gram, and not more than 77 units of vitamin A per gram: "Dry-Clo Vitamin D-A Highly Fortified \* \* \* 1 Lb. of Dry-Clo '400' Equals 5 pints of Regular 85 D Cod Liver Oil (In Vitamin D Potency): \* \* \* Dry-Clo '400' contains not less than 400 AOAC chick units of vitamin D per gram; \* \* \* Dry-Clo '400', first concentrated to over 100 times the potency of regular 85 D oil and then reduced to contain not less than 400 AOAC chick units of vitamin D per gram \* \* \* When Dry-Clo '400' is used in place of ordinary 85 D or fortified 400 D oils you need not change your formula. Determine the amount of oil you customarily use and substitute Dry-Clo '400' according to the following table: [tables representing that 1 pound of Dry-Clo '400' would equal 1 pound of 400 D oils or 5 pints of 85 D oil, and would deliver 181,600 units of vitamin D and other quantities in proportion]."

On November 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## DAIRY PRODUCTS

### BUTTER

**1918. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$250 and costs.** (F. D. C. No. 2953. Sample No. 28868-E.)

On April 8, 1941, the United States attorney for the Western District of Kentucky filed an information against Armour & Co., a corporation, trading as Armour Creameries at Louisville, Ky., alleging shipment on or about August 23, 1940, from the State of Kentucky into the State of Virginia, of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been omitted there-



from; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On June 2, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$250 and costs.

**1919. Misbranding of butter. U. S. v. Walter H. Green (Jersey Creamery). Plea of guilty. Fine, \$75.** (F. D. C. No. 2983. Sample Nos. 44085-E, 44086-E, 44193-E.)

On May 3, 1941, the United States attorney for the District of Wyoming filed an information against Walter H. Green, trading as Jersey Creamery at Sheridan, Wyo., alleging shipment on or about December 4 and 18, 1940, and January 7, 1941, from the State of Wyoming into the State of Montana, of quantities of butter that was misbranded. The article was labeled in part: "1 Pound Net Red Rose Brand Creamery Butter."

The butter was alleged to be misbranded in that the statement "1 Pound Net," appearing on the cartons, was false and misleading since each of the cartons did not contain 1 pound net of said food, but did contain a smaller amount; and in that it was in package form and its label did not bear an accurate statement of the quantity of contents in terms of weight.

On May 20, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$25 on each of the 3 counts, totaling \$75.

**1920. Adulteration of butter. U. S. v. Spring Valley Butter Co. Plea of guilty. Fine, \$100.** (F. D. C. No. 922. Sample No. 67716-D.)

On May 27, 1940, the United States attorney for the Southern District of Texas filed an information against the Spring Valley Butter Co., a corporation trading at Houston, Tex., alleging shipment by said company on or about July 29, 1939, from the State of Texas into the State of New York of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted from the article, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "J. R. Kramer, Inc. New York."

On August 21, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

**1921. Adulteration of butter. U. S. v. 49 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for conversion into refined butter oil.** (F. D. C. No. 3841. Sample Nos. 55938-E, 55944-E.)

Samples of this product were found to be decomposed.

On February 4, 1921, the United States attorney for the Western District of Washington filed a libel against 49 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 25, 1941, by the Northern Creamery Co. from Great Falls, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance.

On May 22, 1941, the Beatrice Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into refined butter oil.

**Nos. 1922 to 1939** report the seizure and disposition of butter that was deficient in milk fat.

**1922. Adulteration and misbranding of butter. U. S. v. 14 Cases of Butter (and 3 additional seizures of butter). Default decrees of condemnation. Portion of product ordered delivered to charitable association; remainder ordered destroyed.** (F. D. C. Nos. 2353, 2371, 2372, 2373. Sample Nos. 9609-E, 35003-E to 35008-E, incl.)

This product was not only deficient in milk fat but in addition certain of the lots were found to contain insect fragments and mold.

On June 24, 1940, the United States attorneys for the Western District of Louisiana and the Eastern District of Louisiana filed libels against 14 cases of butter at Lake Charles, La., and 26 cases at New Orleans, La., alleging that the article had been shipped in interstate commerce within the period from on or about June 1 to on or about June 12, 1940, by Houston Packing Co., from Houston, Tex.; and charging that it was adulterated and that a portion was misbranded. It was labeled in part: "Jasmine Brand [or "Homewood Brand"] Creamery Butter \* \* \* Distributed by Houston Packing Co., Houston, Texas."

The article in all lots was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for



butter. The portion seized at New Orleans, La., with the exception of 3 cases, was alleged to be adulterated further in that it consisted in whole or in part of a filthy substance.

The article in all of the lots seized at New Orleans, La., was alleged to be misbranded in that it was labeled "Butter," when it was not in fact butter as required by law.

On August 1 and September 16, 1940, no claimant having appeared, judgments of condemnation were entered and the lot seized at Lake Charles, La., was ordered delivered to a charitable association and those lots seized at New Orleans, La., were ordered destroyed.

**1923. Adulteration and misbranding of butter. U. S. v. 33 Tubs and 5 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. Nos. 3023, 3278. Sample Nos. 33351-E, 34171-E.)

On September 5 and October 15, 1940, the United States attorney for the District of New Jersey filed libels against 38 tubs, each containing 64 pounds, of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about August 20 and September 24, 1940, by Avon Farmers Creamery, Avon, Minn., from Albany, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Breakstone Bros. Inc. Distributors New York N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," appearing on the label, was false and misleading since it was not correct.

On January 6, 1941, Avon Farmers Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

**1924. Adulteration and misbranding of butter. U. S. v. 9 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5005. Sample No. 56618-E.)

On June 16, 1941, the United States attorney for the Southern District of New York filed a libel against 9 cartons, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about May 29, 1941, by Clinton Creamery, Clinton, Minn., from Minneapolis, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed By Zenith-Godley Co. N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On June 27, 1941, Clinton Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**1925. Adulteration and misbranding of butter. U. S. v. 48 Cartons and 90 Cartons of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked.** (F. D. C. Nos. 3206, 3279. Sample Nos. 34156-E, 34172-E.)

On October 3 and 15, 1940, the United States attorney for the District of New Jersey filed libels against 138 cartons, each containing 63 pounds, of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about September 14 and 23, 1940, by Farmers Cooperative Creamery Association, Ramona, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Breakstone Bros., Inc. New York Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," appearing on the label, was false and misleading since it was not correct.

On December 12, 1940, the Ramona Cooperative Creamery Co., Ramona, S. Dak., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.



**1926. Adulteration and misbranding of butter. U. S. v. 13 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 4980. Sample Nos. 22618-E, 22627-E.)**

On May 12, 1941, the United States attorney for the Northern District of California filed a libel against 13 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 1, 1941, by Farmers Equity Co-Op. Creamery Association from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter 68 Lbs. Net."

The article was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent by weight of milk fat.

On May 23, 1941, Wilsey Bennett Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to conform with the law under the supervision of the Food and Drug Administration.

**1927. Adulteration and misbranding of butter. U. S. v. 12 Tubs, 24 Tubs, and 26 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 5004, 5054, 5128. Sample Nos. 56616-E, 56620-E, 56915-E.)**

On June 17, 19, and 28, 1941, the United States attorney for the Southern District of New York filed libels against 62 tubs, each containing approximately 63 pounds, of butter at New York, N. Y., alleging that the article had been shipped by Farmers Mutual Cooperative Creamery, one lot on or about June 1, 1941, from Duluth, Minn., and the remainder on or about June 4 and 9, 1941, from Sioux Center, Iowa; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "Butter S&W. Waldbaum, Inc. Distributors \* \* \* New York, N. Y."; "Butter Distributed By W. W. Elzea, Inc. \* \* \* New York"; and "Carl Ahlers Inc. Butter Distributors New York."

All lots of the article were alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged with respect to the lots shipped on June 1 and 4, 1941, in that the article was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On June 28 and July 1 and 21, 1941, Farmers Mutual Cooperative Creamery, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be reworked so that it meet the requirements of the law.

**1928. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5003. Sample No. 56614-E.)**

On June 16, 1941, the United States attorney for the Southern District of New York filed a libel against 14 tubs, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about May 30, 1941, by Finley Creamery Co., Finley, N. Dak., from Pekin, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Distributed By J. R. Kramer, Inc. \* \* \* New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On June 27, 1941, Finley Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so as to meet the requirements of the law.

**1929. Adulteration and misbranding of butter. U. S. v. 16 Tubs of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 4987. Sample No. 51350-E.)**

On May 24, 1941, the United States attorney for the District of Massachusetts filed a libel against 16 tubs, each containing 63 pounds, of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or



about May 14, 1941, by Glenwood Sanitary Dairy from Glenwood, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "First National Stores Somerville Mass."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On June 3, 1941, Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

**1930. Adulteration of butter. U. S. v. 65 Tubs of Butter. Decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 4989. Sample No. 54115-E.)

On June 12, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 65 tubs, each containing 64 pounds, of butter at Philadelphia, Pa., alleging that the article had been shipped on or about June 5, 1941, by Hanover Creamery Association from Duluth, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 20, 1941, Frank Hellerick & Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned under the supervision of the Food and Drug Administration, and that it not be sold or otherwise disposed of in violation of the law.

**1931. Adulteration of butter. U. S. v. 143 Tubs of Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 2577. Sample No. 19003-E.)

On July 16, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 143 tubs of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 18 and 25, 1940, by the Keyser Ridge Creamery Co. from Grantsville, Md.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain 80 percent of milk fat as provided by law.

On September 12, 1940, John Glaser of Pittsburgh, Pa., having appeared as claimant, judgment was entered nunc pro tunc as of July 23, 1940, ordering the product condemned and providing that it might be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**1932. Adulteration of butter. U. S. v. 19 Cartons and 19 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5002. Sample No. 56613-E.)

On June 16, 1941, the United States attorney for the Southern District of New York filed a libel against 19 cartons, each containing approximately 60 pounds, and 19 tubs, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 1, 1941, by Langdon Creamery, Langdon, N. Dak., from Carlton, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Distributors Zenith Godley Co. N. Y."

On June 27, 1941, Langdon Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it meet the requirements of the law.

**1933. Adulteration and misbranding of butter. U. S. v. 9 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 2200. Sample Nos. 33249-E, 33253-E.)

On May 29, 1940, the United States attorney for the District of New Jersey filed a libel against 9 cartons of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 14, 1940, by the Maple Island Farms of Stillwater, Wis., from Emerald, Wis.; and charging that it was adulterated and misbranded. The article was labeled in part: "June Dairy Products Co., Inc. Distributors \* \* \* Butter."



The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On December 26, 1940, June Dairy Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

**1934. Adulteration and misbranding of butter. U. S. v. 36 Tubs, 22 Tubs, and 24 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked.** (F. D. C. Nos. 5000, 5071, 5095. Sample Nos. 46959-E, 56910-E, 56912-E.)

On June 17, 24, and 26, 1941, the United States attorney for the Southern District of New York filed libels against 58 tubs each containing approximately 64 pounds, and 24 tubs each containing approximately 63 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about May 31 and June 3 and 7, 1941, by Minnesota Dairy from Grand Forks, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Distributed by Zimmer & Dunkak, Inc. \* \* \* New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On June 28 and July 8, 1941, Minnesota Dairy Co., claimant, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**1935. Adulteration and misbranding of butter. U. S. v. 32 Boxes, 57 Cartons, and 15 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. Nos. 3024, 3027, 3132. Sample Nos. 33352-E, 33355-E, 34457-E.)

On September 4, 5, and 17, 1940, the United States attorney for the District of New Jersey filed libels against 57 cartons each containing approximately 54 pounds, and 47 boxes each containing approximately 63 pounds, of butter at Jersey City, N. J., alleging that the article had been shipped on or about August 19, 21, and 26, 1940, by North American Creameries, Inc., Paynesville, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Breakstone Bros. Distributors New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the label statement "Butter" was false and misleading since it was not correct.

On December 4, 1940, North American Creameries, Inc., claimant, having admitted the allegations of the libel and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so that it comply with the law.

**1936. Adulteration and misbranding of butter. U. S. v. 10 Cubes and 20 Cases of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked.** (F. D. C. Nos. 4981, 4982. Sample Nos. 22628-E, 22629-E.)

On May 14, 1941, the United States attorney for the Territory of Hawaii filed libels against 10 68-pound cubes and 20 cases each containing 30 pounds of butter consigned by Nye & Nissen, Inc., alleging that the article had been shipped from San Francisco, Calif., on or about May 9, 1941; and charging that it was adulterated and misbranded. A portion of the article was labeled in part: (Cases) "Burdell Butter."

The article was alleged to be adulterated in that it contained less than 80 percent by weight of milk fat. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading.

On May 16, 1941, Nye & Nissen, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be repacked (reworked) under the supervision of the Food and Drug Administration.



**1937. Adulteration and misbranding of butter. U. S. v. 7 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 3280. Sample No. 34173-E.)**

On October 15, 1940, the United States attorney for the District of New Jersey filed a libel against 7 cartons, each containing 60 pounds, of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about September 20, 1940, by Price Creamery Co., Thorp., Wis.; and charging that it was adulterated and misbranded. It was labeled in part: "June Dairy Products Co. Inc. Distributors Jersey City N. J."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," appearing on the label, was false and misleading since it was not correct.

On December 26, 1940, June Dairy Products Co., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

**1938. Adulteration of butter. U. S. v. 33 Cartons of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 4999. Sample No. 40735-E.)**

On June 11, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 33 cartons, each containing 60 pounds, of butter at Philadelphia, Pa., alleging that the article had been shipped on or about June 1, 1941, by Stanchfield Creamery Co., Stanchfield, Minn., from Duluth, Minn., and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 12, 1941, Aiken-Schwartz Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned under the supervision of the Food and Drug Administration, and not sold or otherwise disposed of in violation of the law.

**1939. Adulteration and misbranding of butter. U. S. v. 21 Cartons of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. D. C. No. 3216. Sample No. 34398-E.)**

On October 3, 1940, the United States attorney for the District of New Jersey filed a libel against 21 cartons, each containing 60 pounds, of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about September 18, 1940, by Turtle Lake Cooperative Creamery Association, Turtle Lake, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: "June Dairy \* \* \* Unsalted."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," appearing on the label, was false and misleading since it was not correct.

On December 26, 1940, June Dairy Products Co., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

#### LIMBURGER CHEESE

**1940. Adulteration of Limburger cheese. U. S. v. 4 Cases and 8 Cases of Limburger Cheese. Default decrees of condemnation and destruction. (F. D. C. Nos. 3157, 3225. Sample Nos. 44482-E, 44483-E.)**

This product contained insect fragments.

On October 7 and 17, 1940, the United States attorney for the District of Colorado filed libels against 12 cases of Limburger cheese at Denver, Colo., which had been consigned by the Borden Co., alleging that the article had been shipped in interstate commerce within the period from on or about May 16 to September 16, 1940, from Plymouth, Wis.; and charging that it was adulterated. The article was labeled in part: (Wrapper) "Victory Brand Limburger Cheese [or "Small Lim"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 5, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**FROZEN EGGS**

**1941. Adulteration of frozen whole eggs. U. S. v. De Soto Creamery Produce Co., a corporation. Plea of guilty. Fine, \$50. (F. D. C. No. 2962. Sample No. 8947-E.)**

This action involved shipment of frozen eggs which were in part decomposed.

On April 14, 1941, the United States attorney for the District of North Dakota filed an information against the De Soto Creamery & Produce Co., a corporation, Fargo, N. Dak., alleging shipment on or about June 14 and August 7, 1940, from the State of North Dakota into the States of Minnesota and California, of quantities of frozen whole eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.

On May 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

**1942. Adulteration of frozen eggs. U. S. v. Fort Worth Poultry & Egg Co., Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 2125. Sample No. 71439-D.)**

This case was based on a shipment of frozen eggs which were in part musty, sour, or putrid.

On January 28, 1941, the United States attorney for the Northern District of Texas filed an information against the Fort Worth Poultry & Egg Co., Inc., Fort Worth, Tex., alleging that on or about November 9, 1939, the defendant sold and delivered a quantity of frozen eggs to a purchaser at Fort Worth, Tex.; that on or about said date the defendant delivered to the purchaser a guaranty to the effect that the frozen eggs so sold and delivered were not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that subsequently the said eggs were shipped in interstate commerce from Fort Worth, Tex., to Los Angeles, Calif., by the purchaser thereof, the holder of the guaranty, in the identical condition as when sold and delivered by the defendant; and that said eggs when so shipped were adulterated in that they consisted in whole or in part of decomposed substances.

On March 5, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

**1943. Adulteration of frozen eggs. U. S. v. 252 Cans, 227 Cans, and 920 Cans of Frozen Eggs. Released under bond to be disposed of in compliance with the law. (F. D. C. No. 5728. Sample Nos. 53123-E to 53125-E., incl.)**

Examination of this product showed the presence of decomposed eggs.

On May 8, 1941, the United States attorney for the Southern District of California filed a libel against a total of 1,399 cans of frozen eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 8, 16, and 18, 1941, by the Washington Cooperative Egg & Poultry Association from Seattle and Vancouver, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Whole Eggs \* \* \* 30 Lbs. Net Weight."

On May 26, 1941, the Washington Cooperative Egg & Poultry Association having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be delivered to the claimant, conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was reconditioned by segregating and destroying all decomposed eggs.

**1944. Adulteration of frozen eggs. U. S. v. 211 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 2358. Sample No. 349-E.)**

Examination of this product showed the presence of putrid and sour eggs.

On July 16, 1940, the United States attorney for the Western District of North Carolina filed a libel against 211 cans of frozen eggs at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about February 27, 1940, by Wilson & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a putrid or decomposed substance or was otherwise unfit for food. The article was labeled in part: "Froze Fresh Selected Fresh Eggs Frozen."

On September 9, 1940, Wilson & Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed.



## FISHERIES PRODUCTS

## SHELLFISH

**1945. Adulteration of crab meat. U. S. v. Louisiana Blue Crab Distributors, Inc., and Samuel L. Louis. Pleas of guilty. Imposition of sentence suspended as to Samuel L. Louis, who was placed on probation for 3 years. Corporation fined \$300. (F. D. C. No. 2874. Sample Nos. 1737-E, 9406-E, 9762-E, 9765-E, 35179-E.)**

This case was based on shipments of crab meat which was found to contain evidence of the presence of filth.

On December 18, 1940, the United States attorney for the Eastern District of Louisiana filed an information against the Louisiana Blue Crab Distributors, Inc., Westwego, La., and Samuel L. Louis, alleging shipment on or about June 10 and 11 and July 30, 1940, from the State of Louisiana into the States of Maryland and Pennsylvania and the District of Columbia of quantities of crab meat that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 17, 1941, pleas of guilty having been entered, the court sentenced the corporation to pay a fine of \$100 on each of the three counts and ordered that imposition of sentence be suspended as to Samuel L. Louis and that he be placed on probation for a period of 3 years.

**1946. Adulteration of oysters. U. S. v. 70 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 3987. Sample No. 42505-E.)**

Examination showed that this product contained added water.

On March 15, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 70 pints of oysters at Altoona, Pa., alleging that the article had been shipped in interstate commerce on or about March 11, 1941, by Hickman & Sterling from Crisfield, Md.; and charging that it was adulterated.

The article was alleged to be adulterated in that water had been substituted wholly or in part therefor; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On April 8, 1941, no claimant having appeared, judgment of condemnation was entered and immediate destruction was ordered.

**1947. Adulteration of oysters. U. S. v. 24 Cans and 40 Cans of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 3527. Sample Nos. 24936-E, 24937-E.)**

This product contained added water.

On December 16, 1940, the United States attorney for the Middle District of Pennsylvania filed a libel against 64 pint cans of oysters at York, Pa., alleging that the article had been shipped in interstate commerce on or about December 12, 1940, by the Ward Oyster Co. from Crisfield, Md.; and charging that it was adulterated. The article was labeled in part: "M & V Brand Salt Water Oysters."

The article was alleged to be adulterated in that water had been substituted wholly or in part for the article; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, decrease its quality or strength, or make it appear better or of greater value than it was.

On May 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1948. Adulteration of oysters. U. S. v. 185 Pints, 952 Pints, and 740 Pints of Oysters. Default decrees. Portion of product ordered distributed to charitable organizations; remainder ordered destroyed. (F. D. C. Nos. 3539, 3585. Sample Nos. 27526-E, 27533-E, 27534-E, 27825-E.)**

Examination showed that this product contained added water.

On December 19 and 23, 1940, the United States attorneys for the Western District of Kentucky and the Southern District of Ohio filed libels against 1,692 pints of oysters at Louisville, Ky., and 185 pints of oysters at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about December 7, 9, and 14, 1940, by the Weems Seafood Co. from Irvington, Va., and Weems, Va.; and charging that it was adulterated.

The article was alleged to be adulterated in that water had been substituted wholly or in part therefor; and in that water had been added thereto or mixed



or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On December 20, 1940, the lot seized at Cincinnati was ordered distributed to various charitable organizations in view of the fact that it would become spoiled and unfit for human consumption unless disposed of immediately. On December 30, 1940, the lot seized at Louisville having been found to be decomposed and unfit for human consumption, and no claimant having appeared, judgment of condemnation was entered and immediate destruction was ordered.

**1949. Adulteration of canned oysters. U. S. v. 742 Cases of Canned Oysters. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion.** (F. D. C. No. 4802. Sample Nos. 49202-E, 58036-E.)

Examination of this product showed the presence of decomposed oysters. It also contained pieces of shell.

On May 19, 1941, the United States attorney for the District of Minnesota filed a libel against 742 cases of canned oysters at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about April 22, 1941, by the Southern Shell Fish Co. from Biloxi, Miss.; and charging that it was adulterated. The article was labeled in part: (Cans) "Home Brand Cove Oysters."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance; in that an article containing shell fragments had been substituted wholly or in part for oysters, which it purported to be; and in that shell fragments had been mixed or packed therewith so as to reduce its quality.

On June 11, 1941, the Southern Shell Fish Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the portion that was decomposed and contained shells.

**1950. Adulteration of canned clams. U. S. v. 23 Cases of Canned Clams. Default decree of condemnation and destruction.** (F. D. C. No. 4075. Sample No. 47048-E.)

This product was partly decomposed.

On March 27, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 23 cases of canned clams at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 12, 1941, by Burnham & Morrill Co. from Portland, Maine; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "B & M Scarboro Beach Clams."

On May 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS

**1951. Adulteration and misbranding of canned mackerel. U. S. v. 625 Cases of Canned Mackerel. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 4634. Sample No. 32795-E.)

This product contained excessive packing medium.

On May 5, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 625 cases of canned mackerel at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 4, 1941, by the Sunrise Packing Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Dixie Prize Brand Mackerel."

The article was alleged to be adulterated in that packing medium had been substituted wholly or in part for mackerel. It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On June 10, 1941, the California Marine Curing & Packing Co., Inc., of Newport Beach, Calif., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

**1952. Adulteration of frozen red perch fillets. U. S. v. 197 Boxes of Red Perch Fillets. Consent decree of destruction.** (F. D. C. No. 2499. Sample No. 16311-E.)

Examination of this product showed the presence of parasites.

On or about August 6, 1940, the United States attorney for the Northern District of Oklahoma filed a libel against 197 boxes of red perch fillets at



Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about July 23, 1940, by the Slade Gorton Co. from Boston, Mass.; and charging that it was adulterated for the reasons appearing above. The article was labeled in part: "10 Lbs. Red Perch Fillets \* \* \* Deep Sea Brand T. & J. Busalacchi Inc. Boston, Mass."

On August 6, 1940, John A. Wooten, Tulsa, Okla., claimant, having consented to the entry of an order of destruction, judgment was entered ordering the product turned over to the zoo for food for the animals.

**1953. Adulteration of frozen whiting. U. S. v. 235 Boxes of H. & G. Whiting. Default decree of condemnation and destruction. (F. D. C. No. 3347 Sample No. 31863-E.)**

Examination of this product showed the presence of decomposed fish.

On November 15, 1940, the United States attorney for the Northern District of Illinois filed a libel (amended January 22, 1941) against 235 boxes of whiting at Chicago, Ill., alleging that the article had been shipped on September 17, 1940, by Gloucester Seafoods Corporation from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1954. Adulteration of stockfish. U. S. v. 284 Bundles of Stockfish. Consent decree of condemnation. Product ordered released under bond for re-export. (F. D. C. No. 3678. Sample Nos. 31070-E, 31792-E.)**

Examination of this product showed that it was in part decomposed.

On January 14, 1941, the United States attorney for the Western District of Washington filed a libel against 284 bundles of stockfish at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 2, 1941, by P. V. Bright & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. This shipment consisted of goods which had been imported and rejected by the importer. The article was labeled in part: "Stock Fish Product of Japan."

On May 2, 1941, P. V. Bright & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be exported to Japan.

**1955. Misbranding of sardines. U. S. v. 99 and 51 Cases of Canned Sardines. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2351. Sample Nos. 1990-E, 1991-E.)**

Examination of this product showed that the fish occupied on an average about 66 percent of the space in the can.

On July 11, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 150 cases of canned sardines at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about May 18 and 22, 1940, from Ellsworth and Waukeag, Maine, by the Stinson Canning Co.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Can) "Beach Cliff Brand Net Weight 3¼ Ozs."

On February 21, 1941, the Stinson Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled in a manner complying with the law.

## FRUITS AND VEGETABLES

### CANNED FRUITS

**1956. Adulteration of canned blackberries. U. S. v. 249 Cartons of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 3354. Sample No. 21855-E.)**

Examination of this product disclosed the presence of moldy berries.

On November 6, 1940, the United States attorney for the Northern District of California filed a libel against 249 cartons, each containing 6 No. 10 cans, of blackberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by Midfield Packers from Olympia, Wash.; and charging that it was adulterated in that it consisted wholly



or in part of a decomposed substance or was otherwise unfit for food. The article was labeled in part: (Cans) "Water Pack Blackberries \* \* \* Xtra Value."

On March 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1957. Adulteration of canned huckleberries. U. S. v. 73 Cases of Canned Huckleberries. Default decree of condemnation and destruction.** (F. D. C. No. 3685. Sample No. 26544-E.)

Examination showed that this product contained insect larvae.

On January 17, 1941, the United States attorney for the Western District of Texas filed a libel against 73 cases, each containing 6 No. 10 cans, of huckleberries at San Antonio, Tex., which had been shipped for the Midfield Packers of Olympia, Wash., in pool shipment from Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 30, 1940; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Midfield Brand Water Pack Huckleberries Packed by Midfield Packers Olympia Washington."

On April 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1958. Adulteration of canned huckleberries. U. S. v. 142 Cases, 9 Cases, 83 Cases, and 20 Cartons of Canned Huckleberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3853, 3934, 3935, 4016. Sample Nos. 24763-E, 46764-E, 46765-E, 60050-E.)

Examination of this product showed the presence of larvae.

On February 20 and March 10 and 22, 1941, the United States attorneys for the Eastern District of Pennsylvania, the Northern District of New York, and the District of Oregon filed libels against 142 cases of canned huckleberries at Philadelphia, Pa., 92 cases at Utica, N. Y., and 20 cartons at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about October 31 and November 1, 1940, by the Olympia Canning Co. from Olympia, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Household Brand Huckleberries."

On March 22 and May 12 and 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1959. Misbranding of canned fruits for salad. U. S. v. 102 Cases of Canned Fruits for Salad. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 4219. Sample No. 47430-E.)

Examination showed that this product was not of Fancy quality because of low sugar content of the sirup, blemishes, off color, and spotted fruit.

On April 10, 1941, the United States attorney for the Northern District of Illinois filed a libel against 102 cases, each containing 48 cans, of fruits for salad at Chicago, Ill., alleging that the article had been shipped on or about February 24, 1941, by Pacific Grape Products Co. from Modesto, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Banner Boy Brand Contents 1 Lb. Fancy Fruits for Salads and Cocktails."

The article was alleged to be misbranded in that the term "Fancy," appearing on the label, was false and misleading as applied to an article which was not of Fancy quality.

On April 21, 1941, Banner Wholesale Grocers, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**1960. Misbranding of canned grapefruit. U. S. v. 42 Cases of Canned Grapefruit. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 4455. Sample No. 29314-E.)

Examination showed that this product was not of Fancy quality because of broken and shattered segments and poor color.

On April 23, 1941, the United States attorney for the Southern District of Ohio filed a libel against 42 cases, each containing 24 No. 2 cans, of grapefruit at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about September 20, 1940, by Florida Fruit Cannery, Inc., Frostproof, Fla.; and charging that it was misbranded. It was labeled in part: (Cans) "Leadway Fancy Florida Grapefruit."



The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of broken and shattered segments and poor color.

On May 23, 1941, Thiemann Bros., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**Nos. 1961 to 1968** report actions based on the shipment of canned cherries that failed to conform to the standard of quality for canned cherries because of the presence of more than 1 pit per each 20 ounces of cherries.

**1961. Misbranding of canned cherries. U. S. v. Stayton Canning Co. Cooperative. Plea of guilty. Fine, \$10.** (F. D. C. No. 4136. Sample Nos. 22064-E, 55569-E.)

On July 16, 1941, the United States attorney for the District of Oregon filed an information against the Stayton Canning Co. Cooperative, a corporation at Stayton, Oreg., alleging shipment on or about October 20 and November 1, 1940, from the State of Oregon into the States of California and Idaho of quantities of canned cherries that were misbranded. The article was labeled in part: (Cans) "Red Sour Pitted Cherries \* \* \* Distributed by Smith, Lynden & Co. San Francisco"; or "Santiam Brand \* \* \* Red Sour Pitted Cherries."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because of the presence of more than 1 pit to each 20 ounces of canned cherries, and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On July 17, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$5 on each count of the information, totaling \$10.

**1962. Misbranding of canned cherries. U. S. v. Woods Cross Canning Co. Plea of guilty. Fine, \$25.** (F. D. C. No. 4124. Sample No. 44196-E.)

On May 28, 1941, the United States attorney for the District of Utah filed an information against the Woods Cross Canning Co., a corporation, Clearfield, Utah, alleging shipment on or about September 12, 1940, from the State of Utah into the State of Wyoming of a quantity of canned cherries that were misbranded. The article was labeled in part: (Cans) "Woods Cross Brand Water Packed Cherries Red Sour Pitted Net Weight 6 Lbs. 7 Oz."

It was alleged to be misbranded in that it purported to be or was represented as canned cherries, a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because of the presence of more than 1 pit to each 20 ounces of canned cherries and its label did not bear a statement that it fell below such standard.

On August 9, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

**1963. Misbranding of canned cherries. U. S. v. 562 Cartons and 59 Cases of Canned Cherries. Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered destroyed.** (F. D. C. Nos. 3691, 3971. Sample Nos. 22241-E, 26590-E.)

On January 18 and March 13, 1941, the United States attorneys for the Southern District of Texas and the Southern District of California filed libels against 562 cartons each containing 6 No. 10 cans of cherries at Houston, Tex., and 59 cases each containing 24 No. 2 cans of cherries at Fresno, Calif., alleging that the article had been shipped in interstate commerce on or about December 16, 1940, and February 17, 1941, by C. S. Kale Canning Co. from Bellingham, Wash.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: (Cans in 562 cartons) "Fargo Brand Red Sour Pitted Cherries Water Pack" or (cans in 59 cases) "Dodge Brand Red Sour Pitted Cherries in Water."

On April 16, 1941, C. S. Kale Canning Co., claimant for the seizure at Houston, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration. On June 25, 1941, no claimant having appeared for the seizure at Fresno, judgment of condemnation was entered and the product was ordered destroyed.



**1964. Misbranding of canned cherries. U. S. v. 35 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. D. C. No. 4550. Sample No. 43262-E.)**

On May 7, 1941, the United States attorney for the District of Nebraska filed a libel against 35 cases, each containing 24 No. 2 cans, of cherries at North Platte, Nebr., alleging that the article had been shipped in interstate commerce on or about March 26, 1941, by Nash-Finch Co. from Denver, Colo.; and charging that it was misbranded. It was labeled in part: "Loveland Brand Water Pack Colorado Tart Red Pitted Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard because of the presence of more than 1 pit in each 20 ounces of canned cherries, and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1965. Misbranding of canned cherries. U. S. v. 105 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 4031. Sample No. 65419-E.)**

On or about March 26, 1941, the United States attorney for the Northern District of Texas filed a libel against 105 cases of canned cherries at Lubbock, Tex., alleging that the article had been shipped in interstate commerce on or about August 3, 1940, by the Perry Canning Co. from Perry, Utah; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear, in such manner and form as the aforesaid regulations specify, a statement that it fell below such standard. The article was labeled in part: (Cans) "Gateway Brand Water Pack Red Sour Pitted Cherries."

On May 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**1966. Misbranding of canned cherries. U. S. v. 62 Cases of Canned Cherries. Default decree of condemnation. Product ordered delivered to a local charitable institution. (F. D. C. No. 4213. Sample No. 65440-E.)**

On or about April 8, 1941, the United States attorney for the Northern District of Texas filed a libel against 62 cases, each containing 6 No. 10 cans, of cherries at Lubbock, Tex., alleging that the article had been shipped in interstate commerce on or about December 11, 1940, by Pleasant Grove Canning Co. from Pleasant Grove, Utah; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: (Cans) "Alpine Brand Red Sour Pitted Cherries in Water."

On May 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution.

**1967. Misbranding of canned cherries. U. S. v. 70 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4069. Sample No. 60540-E.)**

On March 28, 1941, the United States attorney for the District of Montana filed a libel against 70 cases, each containing 6 No. 10 cans, of cherries at Stevensville, Mont., alleging that the article had been shipped on or about December 7, 1940, by the Spokane Valley Canning Co. from Veradale, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Spokane Valley Brand Water Pack Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it fell below the standard of quality and condition promulgated for such canned food because of the



presence of more than 1 pit per 20 ounces of net contents, and its label did not bear a plain and conspicuous statement that it fell below such standard.

On May 8, 1941, Spokane Valley Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1968. Misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3684. Sample No. 22064-E.)**

On January 17, 1941, the United States attorney for the Northern District of California filed a libel against 37 cases, each containing 6 No. 10 cans, of cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 20, 1940, by Stayton Canning Co. Cooperative from Portland, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Red Sour Pitted Cherries Water Pack Xtra Value."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CANNED VEGETABLES

**1969. Adulteration of canned spinach. U. S. v. 100 Cases and 98 Cases of Canned Spinach. Default decrees of condemnation and destruction. (F. D. C. Nos. 3989, 4291. Sample Nos. 37622-E, 48242-E.)**

Examination showed that this product was decomposed.

On March 22 and on or about April 12, 1941, the United States attorney for the Northern District of Georgia filed libels against 198 cases, each containing 6 No. 10 cans, of spinach at East Point, Ga., alleging that the article had been shipped on or about February 17 and March 12, 1941, by Fox Bros. Co. from Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Lush'us Brand Spinach \* \* \* Distributed By Affiliated Food Distributors, Inc. \* \* \* Chicago, Ill."

On April 16 and May 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1970. Adulteration of canned red kidney beans. U. S. v. 92 Cases of Canned Red Kidney Beans. Default decree of condemnation and destruction. (F. D. C. No. 3618. Sample No. 55374-E.)**

Examination showed that this product had undergone chemical decomposition and deterioration and had an astringent and metallic taste.

On January 2, 1941, the United States attorney for the Western District of Washington filed a libel against 92 cases, each containing 24 No. 2 cans, of red kidney beans at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 12, 1937, by Phillips Packing Co., Inc., from Cambridge, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Phillips Delicious Red Kidney Beans."

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1971. Misbranding of canned green beans. U. S. v. 173 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4218. Sample No. 47428-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of tough strings.

On April 4, 1941, the United States attorney for the Northern District of Illinois filed a libel against 173 cases, each containing 24 No. 2 cans, of green beans at Chicago, Ill., alleging that the article had been shipped on or about November 16, 1940, by Paulus Bros. Packing Co. from Salem, Oreg.; and charging that it was misbranded in that the term "Quality Supreme Fancy," appearing on the label, was false and misleading as applied to an article that was not fancy because of the presence of tough strings. The article was labeled in part: "Lake View Quality Supreme Fancy Whole Green Beans."



On April 22, 1941, Banner Wholesale Grocers, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1972. Misbranding of canned string beans. U. S. v. 143 Cases of Canned String Beans. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4210. Sample No. 47057-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of spotted and overmature beans.

On or about April 16, 1941, the United States attorney for the Northern District of Illinois filed a libel again 143 cases, each containing 24 No. 2 cans, of string beans at Cicero, Ill., alleging that the article had been shipped by the Sampson Canning Co. from Wisconsin Rapids, Wis., on February 24 and March 11, 1941; and charging that it was misbranded in that the term "Fancy," appearing in the labeling, was false and misleading as applied to an article which showed the presence of spotted beans and some overmature beans. The article was labeled in part: "Security Brand Fancy Cut Green Beans."

On May 26, 1941, Mid City Wholesale Grocers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1973. Misbranding of canned wax beans. U. S. v. 90 Cases of Canned Wax Beans. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4485. Sample No. 46578-E.)**

This product was not of Fancy quality, as labeled, because of the presence of old, fibrous, and stringy pods.

On April 24, 1941, the United States attorney for the Eastern District of New York filed a libel against 90 cases, each containing 24 No. 2 cans, of wax beans at Brooklyn, N. Y., alleging that the article had been shipped on or about February 24, 1941, by Charles G. Summers, Jr., Inc., from New Freedom, Pa.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the presence of old, fibrous, and stringy pods. The article was labeled in part: "Horn Brand Fancy Cut Wax Beans."

On May 23, 1941, Einhorn's, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1974. Misbranding of canned beets. U. S. v. 77 Cases of Canned Beets. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4450. Sample No. 29315-E.)**

This product was not of Fancy quality, as labeled, because of the presence of tough beets.

On April 23, 1941, the United States attorney for the Southern District of Ohio filed a libel against 77 cases, each containing 24 No. 2 cans, of beets at Cincinnati, Ohio, alleging that the article had been shipped on or about December 26, 1940, by the Larsen Co., Green Bay, Wis.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the presence of tough beets. The article was labeled in part: "Pleezing Fancy Cut Beets."

On May 23, 1941, the Larsen Co. having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**Nos. 1975 to 1984** report the seizure and disposition of canned corn which was represented on the label as being of Fancy quality but was found to consist of hard and overmature kernels of corn.

**1975. Misbranding of canned corn. U. S. v. 270 Cases of Canned Corn. Consent decree of condemnation with provision for release of product under bond for relabeling. (F. D. C. No. 4430. Sample No. 69018-E.)**

On April 23, 1941, the United States attorney for the District of New Jersey filed a libel against 270 cases, each containing 24 No. 2 cans, of corn at Newark, N. J., alleging that the article had been shipped on or about March 26, 1941, from Camden, N. Y., by the Camden Packing Co.; and charging that it was misbranded in that the term "Fancy" was false and misleading as



applied to an article that was not Fancy because the corn was old and hard. The article was labeled in part: (Cans) "Uco Our Best Grade Fancy Cream Golden Sweet Corn Contents 1 Lb. 4 Oz."

On July 12, 1941, the Uco Food Corporation, Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1976. Misbranding of canned corn. U. S. v. 36 Cases and 102 Cases of Canned Corn. Default decree of condemnation. Product ordered delivered to a local charitable agency. (F. D. C. No. 4396. Sample Nos. 69010-E, 69011-E.)**

A portion of this product was found to contain pieces of cob, some husk, and a number of yellow kernels in addition to those that were overmature.

On April 22, 1941, the United States attorney for the Southern District of New York filed a libel against 138 cases, each containing 24 No. 2 cans, of corn at New York, N. Y., alleging that the article had been shipped on or about December 30, 1940, by Minnesota Consolidated Canneries, Inc., Minneapolis, Minn., from Waseca, Minn.; and charging that it was misbranded in that the term "Fancy" was false and misleading. The article was labeled in part: (Cans) "Connoisseur Fancy Cream Style Golden Sweet Corn [or "White Cream Style Crosby Corn"]."

On May 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency for consumption but not for sale.

**1977. Misbranding of canned corn. U. S. v. 479 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4429. Sample No. 69017-E.)**

On April 23, 1941, the United States attorney for the District of New Jersey filed a libel against 479 cases, each containing 24 No. 2 cans, of corn at Newark, N. J., alleging that the article had been shipped on or about March 31, 1941, by Haxton Canning Co. from Oakfield, N. Y.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the presence of corn that was tough and old. The article was labeled in part: (Cans) "Uco Our Best Grade Fancy Cream Style Golden Sweet Corn."

On July 17, 1941, Uco Food Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1978. Misbranding of canned corn. U. S. v. 1,039 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4869. Sample No. 55676-E.)**

This product failed to meet the requirements of Fancy quality corn because of overmaturity of the kernels and the presence of excessive cob, husk, and silk. Furthermore, it was labeled Golden Bantam, but the kernels were too small to be typical of that variety of corn.

On June 4, 1941, the United States attorney for the District of Oregon filed a libel against 1,039 cases, each containing 24 No. 2 cans, of corn at Portland, Oreg., alleging that the article had been shipped by the Midland Canning Corporation from Billings, Mont., on or about October 16, 1940; and charging that it was misbranded. It was labeled in part: (Cans) "Old Yellowstone Brand Fancy Cream Style Golden Bantam Corn."

The article was alleged to be misbranded in that the statements "Fancy" and "Golden Bantam" were false and misleading as applied to an article that was not Fancy because of overmaturity of the corn and the presence of too much cob, husk, and silk, and which was yellow corn but not of the Golden Bantam variety.

On July 14, 1941, the Midland Canning Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1979. Misbranding of canned corn. U. S. v. 576 Cases of Canned Corn. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4454. Sample No. 14296-E.)**

A portion of this product was found to contain kernels that were dark and off-color as well as those that were overmature.



On April 23, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 576 cases, each containing 24 No. 2 cans, of corn at East Landsdowne, Pa., alleging that the article had been shipped on or about December 4, 1940, by Rosen Brokerage Co. from Onarga, Ill.; and charging that it was misbranded. It was labeled in part: "Tigo \* \* \* Fancy Cream Style Golden Sweet Corn."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading since it was not Fancy because the corn was too mature, tough and starchy, and dark and off-color.

On May 12, 1941, the Giant Tiger Corporation having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1980. Misbranding of canned corn. U. S. v. 49 Cases of Canned Corn. Default decree of condemnation and destruction.** (F. D. C. No. 5028. Sample No. 22179-E.)

This product was not Fancy as labeled because of overmaturity, pulled and discolored or damaged kernels, and bits of cob.

On June 30, 1941, the United States attorney for the Northern District of California filed a libel against 49 cases of canned corn at San Francisco, Calif., consigned by the Eugene Fruit Growers Association, alleging that the article had been shipped in interstate commerce on or about May 17, 1941, from Eugene, Oreg.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy. The article was labeled in part: (Cans) "Xtra-Nice Brand Fancy Whole Grain Golden Corn."

On August 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1981. Misbranding of canned corn. U. S. v. 369 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for re-labeling.** (F. D. C. No. 5231. Sample No. 62153-E.)

This product was not Grade A and Fancy as stated on the label but was in part Grade B and part Grade C.

On or about August 5, 1941, the United States attorney for the Northern District of Illinois filed a libel against 369 cases of canned corn at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 14, 1941, by the Portland Packing Co. from Cummings, Maine; and charging that it was misbranded in that the terms "Grade A" and "Fancy" were false and misleading as applied to corn of Grade B and Grade C quality. The article was labeled in part: (Cans) "Grade A Kroger's Country Club Quality Brand Fancy Yellow Corn Cream Style."

On September 5, 1941, the Kroger Grocery & Baking Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**Nos. 1982 to 1984** report these seizure and disposition of canned corn which, in addition to being erroneously labeled as of Fancy quality, failed to comply with other labeling requirements of the law.

**1982. Misbranding of canned corn. U. S. v. 47 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 4449. Sample No. 29319-E.)

On April 23, 1941, the United States attorney for the Southern District of Ohio filed a libel against 47 cases, each containing 24 No. 2 cans, of corn at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 25, 1940, by the Flat Rock Canning Co. from Flat Rock, Ind.; and charging that it was misbranded. It was labeled in part: (Cans) "A Strictly Fancy Quality Flat Rock Country Gentleman Corn."

The article was alleged to be misbranded (1) in that the statement "A Strictly Fancy Quality" was false and misleading as applied to an article that was not Fancy because the corn was overmature; and (2) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but its label failed to bear (a) the name of the food specified in the definition and standard, viz, "White Sweet Corn," "White Corn," or "White Sugar Corn," and (b) a statement of the optional ingredient, that is, "Cream Style [Corn]" or "Crushed [Corn]," as provided by such definition and standard.



On May 9, 1941, the Flat Rock Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1983. Misbranding of canned corn. U. S. v. 87 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 4428. Sample Nos. 35711-E, 35712-E.)

On April 21, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 87 cases, each containing 24 No. 2 cans, of corn at New Orleans, La., alleging that the article had been shipped in interstate commerce by the Geneva Preserving Co. from Geneva, N. Y., within the period from on or about September 21, 1940, to on or about February 4, 1941; and charging that it was misbranded. It was labeled in part: "Geneva \* \* \* Whole Kernel Sweet [or "Cream Style Golden Bantam"] Corn \* \* \* Fancy Quality."

The whole kernel corn was alleged to be misbranded in that the statement "Fancy Quality" was false and misleading as applied to corn that was not Fancy because of the presence of hard, tough, mature kernels. It was alleged to be misbranded further in that its label failed to bear the name of the food specified in the definition and standard, viz, "White Sweet Corn," "White Corn," or "White Sugar Corn."

The cream style corn was alleged to be misbranded in that the statements "Golden Bantam Corn" and "Fancy Quality" were false and misleading as applied to corn that was not Golden Bantam, and that was not Fancy because of the presence of tough kernels.

On June 4, 1941, Gerde-Newman & Co., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**1984. Misbranding of canned corn. U. S. v. 67 Cases of Canned Corn. Default decree of condemnation and destruction.** (F. D. C. No. 4209. Sample No. 47053-E.)

These cases of canned corn were unlabeled when shipped but were invoiced as Fancy Country Gentleman corn. Subsequently the cans were labeled by the consignee.

On April 12, 1941, the United States attorney for the Northern District of Illinois filed a libel against 67 cases, each containing 24 No. 2 cans, of corn at Cicero, Ill., alleging that the article had been shipped by the Marshall Canning Co. from Marshalltown, Iowa, on January 31, 1941; and charging that it was misbranded. It was labeled in part: (Cans) "Security Brand Fancy Sweet Corn."

The article was alleged to be misbranded (1) in that the term "Fancy" was false and misleading as applied to corn that was not young and tender; and (2) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but its label failed to bear (a) the name of the food specified in the definition and standard, viz, "White Sweet Corn," "White Corn," or "White Sugar Corn," and (b) a statement of the optional ingredient, viz, "Cream Style [Corn]" or "Crushed [Corn]," as provided in the definition and standard.

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1985. Adulteration and misbranding of canned peas. U. S. v. Jackson Brokerage Co., Inc., Ben H. Jackson, Milton C. Mankowitz, Amboy Food Corporation, and Samuel Mankowitz. Plea of guilty. Fines, \$612.** (F. D. C. No. 2101. Sample No. 77706-E.)

This product was represented on the label as fresh Early June peas, but it consisted of soaked dried peas. The label also bore a statement that it had been packed by a firm other than the real packer.

On September 3, 1940, the United States attorney for the District of New Jersey filed an information against the Jackson Brokerage Co., Inc., Newark, N. J., Ben H. Jackson and Milton C. Mankowitz, officers of Jackson Brokerage Co., Inc.; and Amboy Food Corporation, Irvington, N. J., and Samuel Mankowitz, president of Amboy Food Corporation, alleging shipment by said defendants from the State of New Jersey into the State of Pennsylvania on or about August 29, 1939, of a consignment of canned peas that were adulterated and misbranded. They were labeled in part: "Pultney Brand Early June Peas Packed by K. M. Davies Co., Inc., at Williamson, N. Y. Contents 1 lb. 4 oz."



The article was alleged to be adulterated in that soaked dried peas had been substituted in whole and in part for Early June peas, which it purported to be.

It was alleged to be misbranded in that the statements "Early June Peas," together with a design of peas in pods, and "Packed by K. M. Davies Co., Inc. at Williamson, N. Y.," borne on the label, were false and misleading since it did not consist of Early June peas but of soaked dried peas; and it had not been packed by K. M. Davies Co., Inc., Williamson, N. Y.

On November 25, 1940, a plea of guilty having been entered on behalf of the defendants, sentences were imposed which on January 17, 1941, were reduced to the following: Jackson Brokerage Co., Inc., fine of \$50 on each of the two counts; Milton C. Mankowitz, fine of \$400 on count I and placed on probation for 2 years on count II; Amboy Food Corporation, fine of \$1 on each of two counts; Samuel Mankowitz, fine of \$10 on count I and 6 months' imprisonment on count II, jail sentence suspended and defendant placed on probation for 2 years; and Ben H. Jackson, fine of \$50 on each of the two counts.

Nos. 1986 to 1993, inclusive, report actions based on interstate shipment of canned peas that were substandard because of the presence of excessively mealy peas, as evidenced by the fact that their alcohol-insoluble solids amounted to more than 23.5 percent, and which were not properly labeled to indicate that they were substandard.

**1986. Misbranding of canned peas. U. S. v. McCoy Canned Food Co. Plea of guilty. Fine, \$100 and costs.** (F. D. C. No. 4109. Sample Nos. 27322-E, 27763-E.)

On or about June 28, 1941, the United States attorney for the Southern District of Ohio filed an information against the McCoy Canned Food Co., a corporation at Urbana, Ohio, alleging shipment within the period from on or about July 17 to on or about November 12, 1940, from the State of Ohio into the State of West Virginia, of quantities of canned peas that were misbranded. The article was labeled in part: "Mad River [or "McCoy" or "Cuba"] Brand Early June Peas."

It was alleged to be misbranded in that it purported to be canned peas of the Alaska or other smooth-skinned variety, a product for which a standard of quality had been prescribed by regulations as provided by law, and its quality fell below the standard so prescribed in that the alcohol-insoluble solids of the peas were more than 23.5 percent; and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On August 22, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

**1987. Misbranding of canned peas. U. S. v. 125 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to local charitable agency.** (F. D. C. No. 3760. Sample No. 50739-E.)

On February 12, 1941, the United States attorney for the Eastern District of North Carolina filed a libel against 125 cases, each containing 24 No. 2 cans, of peas at Goldsboro, N. C., alleging that the article had been shipped in interstate commerce on or about August 28 and 30 and September 10, 1940, from Norfolk, Va., by Brittingham Brokerage Co.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Park Hall Brand Early June Peas. Contents 1 Lb. 4 Oz. Packed by G. L. Webster Co., Incorporated, Cheriton, Virginia."

On April 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

**1988. Misbranding of canned peas. U. S. v. 128 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to some local charitable institution.** (F. D. C. No. 4202. Sample No. 40546-E.)

On April 1, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 128 cases, each containing 24 No. 2 cans, of peas at Philadelphia, Pa., alleging that the article had been shipped on or about January 7 and February 3 and 20, 1941, by Draper & Co., Inc., from Milford, Del.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law,



but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Mispillion Brand \* \* \* Early June Peas."

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution.

**1989. Misbranding of canned peas. U. S. v. 121 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable organization.** (F. D. C. No. 3880. Sample No. 46478-E.)

On February 26, 1941, the United States attorney for the District of New Jersey filed a libel against 121 cases, each containing 24 No. 2 cans, of peas at Passaic, N. J., alleging that the article had been shipped on or about January 30, 1941, by Thos. Roberts & Co., Philadelphia, Pa., from Ridgely, Md.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Caroline Brand Early June Peas \* \* \* Saulsbury Bros., Inc., Distributors Ridgely, Caroline Co., Md."

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

The products described in Nos. 1990 to 1993, inclusive, contained more than 25 percent of ruptured peas in addition to exceeding the tolerance for excessively mealy peas.

**1990. Misbranding of canned peas. U. S. v. 15 Cases of Canned Peas. Default decree of condemnation and destruction.** (F. D. C. No. 4740. Sample No. 50700-E.)

This product not only was substandard in quality because it exceeded the tolerances for excessively mealy and ruptured peas, but the label failed to declare the optional ingredient present, i. e., whether the product was dried peas of the smooth-skinned or Early June variety or whether it was dried peas of the wrinkled sweet or sugar type.

On May 13, 1941, the United States attorney for the Northern District of West Virginia filed a libel against 15 cases, each containing 6 No. 10 cans of peas at Elkins, W. Va., alleging that the article had been shipped on or about March 11, 1941, from Baltimore, Md., by D. E. Foote & Co., Inc.; and charging that it was misbranded. It was labeled in part: "La Panza Brand \* \* \* Dry Peas Contents 6 Lbs. 6 Oz."

The article was alleged to be misbranded (1) in that it purported to be canned peas, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but its label did not bear the name of the optional pea ingredient; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard.

On June 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1991. Misbranding of canned peas. U. S. v. 36 Cases of Canned Peas. Decree of condemnation. Product ordered delivered to local charitable institution.** (F. D. C. No. 3745. Sample No. 50487-E.)

On January 31, 1941, the United States attorney for the Western District of Virginia filed a libel against 36 cases, each containing 24 No. 2 cans, of peas at Lynchburg, Va., alleging that the article had been shipped in interstate commerce on or about July 27, 1940, by Gibbs & Co. from Baltimore, Md.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Gibbs Early June Peas."

On April 22, 1941, the consignee having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution for use but not for sale.

**1992. Misbranding of canned peas. U. S. v. 37 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a local charitable institution.** (F. D. C. No. 4251. Sample No. 40550-E.)

On April 5, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 37 cases, each containing 24 No. 2 cans, of peas at



Philadelphia, Pa., alleging that the article had been shipped on or about January 6, 1941, by W. H. Roberts & Co. from Baltimore, Md.; and charging that it was misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard. The article was labeled in part: "Sunset Brand \* \* \* Ripe [or "Dried Early June"] Peas."

On May 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable institution.

**1993. Misbranding of canned peas. U. S. v. 267 Cases of Canned Peas (and 5 other seizure actions against canned peas). Consent decrees of condemnation. Product ordered released under bond for relabeling.** (F. D. C. Nos. 2415, 2481, 3434, 3458, 3613, 3872. Sample Nos. 2659-E, 24978-E, 28943-E, 33186-E, 34683-E, 34684-E, 50055-E.)

Between July 24, 1940, and February 26, 1941, the United States attorneys for the District of New Jersey, District of Massachusetts, District of Connecticut, District of Maryland, District of Columbia, and the Eastern District of Pennsylvania filed libels against 267 cases of canned peas at Jersey City, N. J., 130 cases at Boston, Mass., 343 cases at New Haven, Conn., 611 cases at Baltimore, Md., 314 cases at Washington, D. C., and 394 cases at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about June 6 to on or about December 2, 1940, by A. W. Sisk & Son, the shipments having been made from Machipongo, Va., to Newark, N. J., and Boston, Mass.; and from Lewes, Del., to New Haven, Conn., Baltimore, Md., Washington, D. C., and Philadelphia, Pa. The article was labeled variously in part: "Esco Brand [or "Virginia's Best"] Early June Peas \* \* \* Packed by Eastern Shore Canning Co. Machipongo, Va."; "L. D. Early June Peas \* \* \* Packed by Charles Mills, Lewes, Delaware"; and "S C [or "Columbus Quality"] Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label did not bear, in such manner or form as the regulations specify, a statement that it fell below such standard.

Between September 13, 1940, and March 24, 1941, the Eastern Shore Canning Co. having appeared as claimant for the lot seized at Boston, Mass., and A. W. Sisk & Son having appeared as claimant in the remaining actions, judgments of condemnation were entered and the product in each instance was ordered released under bond to the respective claimants conditioned that it be relabeled in compliance with the law.

**1994. Misbranding of canned peas. U. S. v. 535 Cases and 150 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 4090. Sample Nos. 47054-E, 47055-E.)

On April 2, 1941, the United States attorney for the Northern District of Illinois filed a libel against 685 cases, each containing 24 cans, of peas at Chicago, Ill., alleging that the article had been shipped by the Waupun Canning Co. from Waupun, Wis., on March 8, 1941; and charging that it was misbranded. It was labeled in part: "Security Brand Small Fancy Sifted [or "Fancy Extra Sifted"] Early June Peas Size 3 [or "2"]."

The article was alleged to be misbranded in that the term "Fancy," appearing in the labeling, was false and misleading as applied to peas that were not sufficiently young and tender and were not free from defects.

On May 26, 1941, Mid City Wholesale Grocers, Inc., of Chicago and Cicero, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**1995. Misbranding of canned peas. U. S. v. 85 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 4456. Sample No. 69016-E.)

This product, which was represented to be of Fancy grade or quality sweet or sugar peas, was not Fancy because of the presence of hard peas.

On April 23, 1941, the United States attorney for the District of New Jersey filed a libel against 85 cases, each containing 48 cans of peas at Newark, N. J.,



alleging that the article had been shipped on or about February 27, 1941, by Comstock Canning Corporation from Penn Yan, N. Y.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality because of the presence of hard peas. The article was labeled in part: "Uco \* \* \* Fancy Sweet Melting Peas Contents 8 Oz."

On June 30, 1941, Uco Food Corporation, Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1996. Misbranding of canned peas. U. S. v. 95 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to charitable institution. (F. D. C. No. 4306. Sample No. 29310-E.)**

This product was labeled "Fancy" but was too mature for such designation.

On April 11, 1941, the United States attorney for the Southern District of Ohio filed a libel against 95 cases of canned peas at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about January 9, 1941, by the Lakeside Packing Co., from Plainview, Minn.; and charging that it was misbranded. It was labeled in part: (Cans) "Sunshine Brand Fancy Sifted Peas."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to overmature peas.

On May 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**1997. Misbranding of canned peas. U. S. v. 205 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 4480. Sample No. 69024-E.)**

This product, which was represented as consisting of small sugar peas of Fancy quality, was found to consist of peas of mixed sizes and was not Fancy because of the presence of hard, nearly mature peas.

On April 24, 1941, the United States attorney for the District of New Jersey filed a libel against 205 cases, each containing 48 cans, of peas at Jersey City, N. J., alleging that the article had been shipped on or about January 24, 1941, by the Frank M. Wilson Co., San Francisco, Calif., from Stockton, Calif.; and charging that it was misbranded in that the statement "Fancy Small \* \* \* Peas" was false and misleading as applied to an article that consisted of peas of mixed sizes and that was not of Fancy quality because of the presence of hard, nearly mature peas. The article was labeled in part: (Cans) "Marigold Brand Fancy Small Sweet Peas Contents 8 Oz."

On August 7, 1941, Marigold Grocery Co., Inc., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1998. Misbranding of canned peas. U. S. v. 779 Cases of Canned Peas. Product ordered released under bond to be relabeled. (F. D. C. No. 4217. Sample No. 29542-E.)**

This product was not Fancy as labeled because of the presence of numerous broken peas.

On April 3, 1941, the United States attorney for the Northern District of Ohio filed a libel against 779 cases, each containing 24 No. 2 cans, of peas at Cleveland, Ohio, alleging that the article had been shipped by Oconomowoc Canning Co. from Sun Prairie, Wis., on or about September 6 and 9, 1940; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of numerous broken peas, consisting of loose cotyledons and loose skins.

On April 14, 1941, the Oconomowoc Canning Co. having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be released under bond to be relabeled under the supervision of the Food and Drug Administration.

**1999. Misbranding of canned sauerkraut. U. S. v. 524 Cases of Canned Sauerkraut. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4481. Sample No. 50955-E.)**

This product was unlabeled when shipped to the consignee, but at the time of examination was labeled in part as follows: "Allen Brand Sauerkraut Fancy Quality." It was not of Fancy quality because of off-color, odor, and flavor.



On April 24, 1941, the United States attorney for the District of Maryland filed a libel against 524 cases, each containing 24 cans, of sauerkraut at Baltimore, Md., alleging that the article had been shipped in interstate commerce from Philadelphia, Pa., on or about January 28, 1941, by Union Premier Food Stores and that it remained in interstate commerce on the premises of A. J. Harris, Baltimore, Md.; and charging that it was misbranded in that the statement "Fancy Quality" was false and misleading as applied to an article that was not Fancy because of off-color, odor, and flavor. It was labeled in part: "Net weight 1 lb. 11 oz."

On May 15, 1941, A. J. Harris & Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2000. Misbranding of canned succotash. U. S. v. 66 Cases of Canned Succotash. Default decree of condemnation and destruction.** (F. D. C. No. 4211. Sample No. 47427-E.)

This product was represented to be of Fancy quality, but examination disclosed that it was made from corn and lima beans both of which were too mature to warrant such designation.

On April 4, 1941, the United States attorney for the Northern District of Illinois filed a libel against 66 cases, each containing 36 cans, of succotash at Chicago, Ill., alleging that the article had been shipped by the Marshall Canning Co. from Marshalltown, Iowa, on or about January 10, 1941; and charging that it was misbranded. It was labeled in part: "Uncle William Fancy Succotash' \* \* \* Contents 1 Lb. 1 Oz."

The article was alleged to be misbranded in that the statements "Prepared From Fancy Fresh Green Baby Lima Beans" and "Prepared From Green Lima Beans and Golden Bantam Corn" and the term "Fancy" were false and misleading as applied to an article that was yellow corn, but not Golden Bantam, and mixed green and white lima beans which were too old to qualify as Fancy.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### TOMATOES AND TOMATO PRODUCTS

**2001. Adulteration of canned tomatoes and tomato puree. U. S. v. Associated Canneries, Inc. Plea of guilty. Fine, \$28.** (F. D. C. No. 2939. Sample Nos. 97237-D, 6427-E, 6428-E, 13123-E.)

On July 23, 1941, the United States attorney for the District of Utah filed an information against Associated Canneries, Inc., a corporation, Ogden, Utah, alleging that on or about September 27 and December 29, 1939, and January 26, 1940, the defendant delivered for introduction in interstate commerce into the States of Colorado and Washington quantities of tomato puree which was adulterated and that on or about February 12, 1940, the defendant introduced and delivered for introduction in interstate commerce into the State of Colorado, a quantity of canned tomatoes which were adulterated. The canned tomatoes were unlabeled but were invoiced as "Rusty Tomatoes." The tomato puree was labeled in part: (Cans) "6 Pounds 8 Ounces Roundup Brand \* \* \* Fancy Whole Tomato Puree Packed for Roundup Grocery Co. Spokane Washington"; (cases) "6 No. 10 cans Tomato Puree Ogden, Utah"; or "6 No. 10 cans Perfection Brand Tomato Puree H. D. Olson & Sons Ogden—Utah."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On August 9, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 on the first count and \$1 on each additional count, totaling \$28.

**2002. Adulteration of tomato catsup and tomato puree. U. S. v. Perry Canning Co. Plea of guilty. Fine, \$52.** (F. D. C. No. 4185. Sample Nos. 6764-E, 44636-E, 44649-E.)

On September 8, 1941, the United States attorney for the District of Utah filed an information against the Perry Canning Co., a corporation at Perry, Utah, alleging introduction and delivery for introduction in interstate commerce on or about September 23 and October 9, 1940, from the State of Utah into the States of Idaho and Colorado of quantities of tomato catsup and tomato puree that were adulterated in that they consisted in whole or in part of decomposed substances. They were labeled in part: "Golden 'A' Brand Extra Standard



Quality Tomato Catsup"; or "Gateway Brand Tomato Puree \* \* \* 6 lb. 8 Ozs."

On September 27, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 on the first count and \$2 on the second, totaling \$52.

**2003. Misbranding of tomato catsup. U. S. v. Pleasant Grove Canning Co. Plea of guilty. Fine, \$25. (F. D. C. No. 4158. Sample Nos. 6284-E, 6285-E.)**

The product involved in this case was found to be short of the declared weight.

On July 15, 1941, the United States attorney for the District of Utah filed an information against Pleasant Grove Canning Co., a corporation, Pleasant Grove, Utah, alleging shipment on or about March 1, 1940, from the State of Utah into the State of Kansas, of a quantity of tomato catsup that was misbranded. It was labeled in part: "Pleasant Grove Brand \* \* \* Tomato Catsup."

The article was alleged to be misbranded in that the statement "14 Ozs. Net Weight," appearing on the bottle label, was false and misleading since each of the bottles did not contain 14 ounces of said article but did contain a smaller amount; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents in terms of weight or measure.

On July 15, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

**2004. Adulteration of tomato catsup. U. S. v. Seitters, Inc., and Edgar A. Seiter. Tried to the court. Judgment of guilty. Corporation fined \$4; Edgar A. Seiter fined \$100. (F. D. C. No. 2907. Sample Nos. 13129-E, 13158-E, 13166-E, 13177-E, 26231-E.)**

This product contained excessive mold indicating the presence of decomposed material.

On February 21, 1941, the United States attorney for the District of Idaho filed an information against Seitters, Inc., Post Falls, Idaho, and Edgar A. Seiter, alleging shipment within the period from on or about November 8, 1939, to on or about March 3, 1940, from the State of Idaho into the State of Washington, of quantities of tomato catsup which was adulterated. The article was labeled in part variously: "Syringa Brand Tomato Catsup"; "Coeur D'Alene \* \* \* Tomato Catsup"; "Tastewell \* \* \* Tomato Catsup \* \* \* National Retailer-Owned Grocers, Inc. Distributors"; or "Pheasant Tomato Catsup \* \* \* Distributed by Wadhams & Company, Portland, Oregon."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

On May 29, 1941, the defendants having entered pleas of not guilty, and having waived trial by jury, the case came on for trial before the court. Both defendants were adjudged guilty, and the corporation was fined \$1 on each of the four counts of the information and Edgar A. Seiter was fined \$25 on each of the same four counts.

**2005. Adulteration and misbranding of canned tomatoes with puree from trimmings. U. S. v. 170 Cases and 25 Cases of Canned Tomatoes with Puree from Trimmings. Default decrees of condemnation and destruction. (F. D. C. Nos. 3547, 4198. Sample Nos. 55216-E, 55782-E.)**

Examination showed that one lot of this product contained worms and worm and insect fragments. The labels of both lots failed to bear the common name of the optional ingredient, viz, "Added Strained Residual Tomato Material from Preparation for Canning." Furthermore, both lots fell below the standard of quality for canned tomatoes because the drained weight was less than 50 per cent of the water required to fill the container.

On or about December 19, 1940, and April 7, 1941, the United States attorneys for the Western District of Washington and the Northern District of California filed libels against 170 cases, each containing 24 cans, of tomatoes with puree from trimmings at Tacoma, Wash., and 25 cases, each containing 24 cans, of the same product at Weed, Calif., alleging that the article had been shipped on or about September 10 and November 30, 1940, by Bagley Canning Co. from Ashland, Oreg.; and charging that a portion was adulterated and that both lots were misbranded. It was labeled in part: "Bagley's Rogue River Valley Tomatoes With Puree From Trimmings Net Contents 1 Lb. 3 Oz."

The portion of the article seized at Weed, Calif., was alleged to be adulterated in that it consisted wholly or in part of a filthy substance.



Both lots of the article were alleged to be misbranded (1) in that it purported to be a food for which a definition and standard of identity had been prescribed by law, but its label failed to bear the common name of the optional ingredient, viz, "Added Strained Residual Tomato Material from Preparation for Canning," present in such food; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 15 and 23, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2006. Adulteration of canned tomatoes. U. S. v. 310 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 2700. Sample No. 7092-E.)**

On September 4, 1940, the United States attorney for the District of Arizona filed a libel against 310 cases, each containing 24 cans, of tomatoes at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about February 22, 1940, by Santa Anita Food Corporation from Anaheim, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Gala Brand Tomatoes With Puree From Trimmings Net Contents 1 Lb. 12 Ozs."

On May 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2007. Adulteration of canned tomatoes and tomato juice. U. S. v. 337 Cases and 430 Cases of Canned Tomatoes and 50 Cases of Tomato Juice. Default decrees of condemnation and destruction. (F. D. C. Nos. 4850, 4851, 4875. Sample Nos. 60306-E, 60307-E, 60315-E.)**

On or about May 31 and June 6, 1941, the United States attorneys for the District of Oregon and the Eastern District of Washington filed libels against 337 cases, each containing 24 cans, of tomatoes at La Grande, Oreg., 430 cases, each containing 24 cans, of tomatoes at Walla Walla, Wash., and 50 cases, each containing 12 cans, of tomato juice at La Grande, Oreg., alleging that the articles had been shipped on or about September 23 and November 18, 1940, by H. D. Olson from Ogden, Utah; and charging that they were adulterated in that they consisted wholly or in part of decomposed substances. The articles were labeled in part: (Cans) "Net Weight, 1 pound, 12 ounces, Pheasant Brand Tomatoes"; "Blue and White Brand Tomatoes \* \* \* contains 1 lb. 12 oz."; and "Wadhams Fancy Tomato Juice Net Contents 1 Quart 14 fluid ounces."

On July 15 and August 2, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2008. Misbranding of canned tomatoes. U. S. v. 646 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5192. Sample No. 46379-E.)**

This product was substandard because of excessive peel and blemishes. It also contained the optional ingredient added strained tomatoes which were not declared on the label.

On July 22, 1941, the United States attorney for the Eastern District of New York filed a libel against 646 cases, each containing 24 cans, of tomatoes at Brooklyn, N. Y., alleging that the article had been shipped on or about June 19, 1941, by Apte Bros. Canning Co., Terra Ceia, Fla.; and charging that it was misbranded. It was labeled in part: (Cans) "Park Lane Tomatoes Contents 1 Lb. 11 Oz."

The article was alleged to be misbranded (1) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and its label failed to bear the common name of the optional ingredient present in such food, namely, "Added Strained Tomatoes"; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On August 5, 1941, Apte Bros. Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.



**2009. Misbranding of canned tomatoes. U. S. v. 268 Cases and 168 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3969. Sample Nos. 35587-E, 35588-E.)**

This product was substandard because of low drained weight and excessive peel.

On or about March 14, 1941, the United States attorney for the Northern District of Mississippi filed a libel against 268 cases each containing 48 cans, and 168 cases each containing 24 cans, of tomatoes at Columbus, Miss., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by the Humboldt Canning Co. from Humboldt, Tenn.; and charging that it was misbranded. It was labeled in part: "Forked Deer Brand \* \* \* Tomatoes Contents 10 Ozs. Avair. [or "1 Lb. 3 Ozs.]."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law; but its quality fell below such standard, and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 24, 1941, Columbus Grocery Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled as required by law.

**2010. Misbranding of canned tomatoes. U. S. v. 596 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3637. Sample No. 16593-E.)**

Examination showed that this product was substandard because of excessive peel and excessive blemishes.

On January 9, 1941, the United States attorney for the District of Nebraska filed a libel against 596 cases, each containing 24 cans, of tomatoes at Omaha, Nebr., alleging that the article had been shipped on or about September 3, 1940, by Ed McCormick Canning Co. from Reeds Spring, Mo.; and charging that it was misbranded. It was labeled in part: (Cans) "Big League Brand Tomatoes \* \* \* Contents 1 Lb. 3 Oz."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law; but its quality fell below such standard, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 4, 1941, Ed McCormick, trading as Ed McCormick Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2011. Misbranding of canned tomatoes. U. S. v. 87 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 4735. Sample No. 59000-E.)**

Examination showed that this product was substandard because the peel, per pound of canned tomatoes in the container, covered an area of more than 1 square inch.

On May 9, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 87 cases, each containing 24 cans, of tomatoes at Appleton, Wis., alleging that the article had been shipped on or about August 13, 1940, by National Retail Owned Grocers (National Retailer-Owned Grocers, Inc.) from Princess Anne, Md.; and charging that it was misbranded. It was labeled in part: "Smith Brand Tomatoes Contents 1 Lb 3 Ozs. Packed by E. Mace Smith Princess Anne Md."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2012. Misbranding of canned tomatoes. U. S. v. 241 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3781. Sample No. 50738-E.)**

This product was substandard because of low drained weight.

On February 12, 1941, the United States attorney for the Eastern District of North Carolina filed a libel against 241 cases, each containing 24 cans, of toma-



atoes at Goldsboro, N. C., alleging that the article had been shipped on or about August 29, 1940, by C. C. Coles Canning Co., Hague, Va.; and charging that it was misbranded. It was labeled in part: (Cans) "Pine Cone Brand Tomatoes (Contents 1 Lb. 3 Oz. Albert W. Sisk and Son Distributors.)"

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law; but its quality fell below such standard, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On April 15, 1941, Albert W. Sisk & Sons having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2013. Misbranding of canned tomatoes. U. S. v. 498 Cases and 100 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. Nos. 4249, 4250. Sample No. 22404-E.)

This product was substandard because of low drained weight.

On April 8, 1941, the United States attorney for the Eastern District of New York filed a libel against 498 cases, each containing 24 cans, of tomatoes at Brooklyn, N. Y., and 100 cases, each containing 24 cans, of the same product at Garden City, Long Island, N. Y., alleging that the article had been shipped on or about February 14, 1941, by Parrott & Co. from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Lodi Brand Tomatoes \* \* \* Net Contents 1 Lb. 12 Oz."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law; but its quality fell below such standard, and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 6, 1941, Parrott & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2014. Misbranding of canned tomatoes. U. S. v. 100 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered delivered to a charitable organization.** (F. D. C. No. 4289. Sample No. 56393-E.)

This product, which was labeled Grade A, was found to consist of Grade B tomatoes.

On April 10, 1941, the United States attorney for the District of New Jersey filed a libel against 100 cases, each containing 24 cans, of tomatoes at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by Olney & Carpenter, Inc., from Wolcott, N. Y.; and charging that it was misbranded. It was labeled in part: (Cans) "Grade A A&P Vine Ripened Tomatoes Net Wt. 1 Lb. 12 Oz."

The article was alleged to be misbranded in that the statement "Grade A" was false and misleading as applied to Grade B tomatoes.

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

**2015. Adulteration of tomato catsup. U. S. v. 25 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 5164. Sample No. 53224-E.)

Examination showed that this product contained worm and insect fragments.

On July 17, 1941, the United States attorney for the District of Arizona filed a libel against 25 cases, each containing 24 bottles, of tomato catsup at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about May 20, 1941, by Kern Food Products, Inc., from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bottles) "California Club Brand Pure Tomato Catsup \* \* \* Net Weight 14 Oz."

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



Nos. 2016 to 2026 report the seizure and disposition of tomato catsup that contained excessive mold, indicating the presence of decomposed material.

**2016. Adulteration of catsup. U. S. v. 94 Cases of Catsup. Default decree of forfeiture and destruction.** (F. D. C. No. 5030. Sample No. 44947-E.)

This product contained worm and insect fragments in addition to mold.

On June 27, 1941, the United States attorney for the District of Idaho filed a libel against 94 cases, each containing 24 cans, of catsup at Pocatello, Idaho, alleging that the article had been shipped on or about May 27, 1941, by Royal Canning Corporation from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: (Cans) "Ropak Brand Catsup Contents 1 Lb. 15 Ozs."

On July 24, 1941, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

**2017. Adulteration and misbranding of tomato catsup. U. S. v. 99 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 4968. Sample No. 22559-E.)

This product contained worm and insect fragments in addition to mold. It also contained artificial color and sodium benzoate, which are not provided for in the standard of identity for tomato catsup, prescribed by regulations as provided by the Federal Food, Drug, and Cosmetic Act.

On June 23, 1941, the United States attorney for the District of Oregon filed a libel against 99 cases of tomato catsup at Grants Pass, Oreg., alleging that the article had been shipped on or about May 27, 1941, by Val Vita Food Products, Inc., from Oakland, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Monte Rio Tomato Catsup."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance; in that inferiority had been concealed by the addition of artificial color; and in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that it purported to be tomato catsup, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard since it contained artificial color and sodium benzoate.

On August 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2018. Adulteration of tomato catsup. U. S. v. 43 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 4203. Sample No. 42237-E.)

On April 3, 1941, the United States attorney for the Western District of New York filed a libel against 43 cases, each containing 24 bottles, of tomato catsup at Buffalo, N. Y., alleging that the article had been shipped on or about March 5, 1941, by Becker Prentiss, Inc., from Austin, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Bottles) "American Beauty Brand Tomato Catsup Packed by Morgan Packing Co., Austin, Ind."

On April 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2019. Adulteration of tomato catsup. U. S. v. 965 Cases of Tomato Catsup. Default decree of destruction.** (F. D. C. No. 3883. Sample No. 29446-E.)

On February 27, 1941, the United States attorney for the Southern District of Ohio filed a libel against 965 cases, each containing 24 bottles, of tomato catsup at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about October 28, 1940, by Fettig Canning Corporation from Elwood, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Sunbeam Tomato Catsup Francis H. Leggett & Co."

On August 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2020. Adulteration of tomato ketchup. U. S. v. 171 Cases of Tomato Ketchup. Default decree of condemnation and destruction.** (F. D. C. No. 4032. Sample No. 43901-E.)

On or about March 22, 1941, the United States attorney for the District of Kansas filed a libel against 171 cases, each containing 24 bottles, of tomato



ketchup at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about January 18, 1941, by the Frazier Packing Corporation from Elwood, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Bar-B-Q Tomato Ketchup."

On June 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2021. Adulteration of tomato puree and tomato catsup. U. S. v. 160 Cases of Tomato Puree and 156 Cases, 130 Cases, and 74 Cases of Tomato Catsup. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3978, 4831. Sample Nos. 46779-E, 56561-E, 56562-E, 56563-E.)

On March 14 and May 26, 1941, the United States attorneys for the Northern and Eastern Districts of New York filed libels against 156 cases each containing 6 No. 10 cans of tomato catsup at Auburn, N. Y., and 160 cases each containing 6 No. 10 cans of tomato puree and 204 cases each containing 6 No. 10 cans of tomato catsup at Brooklyn, N. Y., alleging that the articles had been shipped within the period from on or about October 4, 1940, to on or about February 11, 1941, by Lake Erie Canning Co. from Sandusky, Ohio; and charging that they were adulterated in that they consisted in whole or in part of a decomposed substance. The articles were labeled in part: (Cans) "Queen Bess Brand Catsup"; "Hoffman House Tomato Puree [or "Puree of Tomatoes" or "Tomato Catsup"]"; or "Pure Gold Tomato Catsup."

On May 22 and August 13, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2022. Adulteration of tomato catsup. U. S. v. 139 Cases and 48 Cases of Tomato Catsup. Consent decree of condemnation and destruction.** (F. D. C. No. 4307. Sample Nos. 47251-E, 47252-E.)

On April 17, 1941, the United States attorney for the Northern District of Illinois filed a libel against 187 cases, each containing 6 No. 10 cans, of tomato catsup at Chicago, Ill., alleging that the article had been shipped on or about November 9 and 12, 1940, and January 20, 1941, by Loudon Packing Co. from Terre Haute, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Natural Brand B. A. Railton's Fancy Quality Tomato Catsup."

On May 22, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**2023. Adulteration of tomato catsup. U. S. v. 80 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 4824. Sample No. 38678-E.)

On or about May 24, 1941, the United States attorney for the Northern District of Iowa filed a libel against 80 cases, each containing 6 glass jugs, of tomato catsup at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about December 23, 1940, by Mid-West Food Packers, Inc., from Fowlerton, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Lush'us Brand Tomato Catsup, 6 lbs. 8 oz."

On June 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2024. Adulteration of tomato paste and tomato catsup. U. S. v. A Quantity of Tomato Paste and Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. Nos. 4065, 4066. Sample Nos. 56581-E, 56584-E.)

On March 28, 1941, the United States attorney for the Northern District of New York filed a libel against 72 cases of tomato paste and 87 cases of tomato catsup at Binghamton, N. Y., alleging that the articles had been shipped in interstate commerce on or about January 18, 1941, by the Morgan Packing Co. from Austin, Ind.; and charging that they were adulterated in that they consisted wholly or in part of decomposed substances. The articles were labeled in part: "Bel Paese Brand Tomato Paste"; or "American Beauty Brand Tomato Catsup."

On May 22, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.



**2025. Adulteration of tomato catsup. U. S. v. 16 Cases of Tomato Catsup. Consent decree of condemnation and destruction.** (F. D. C. No. 5302. Sample No. 44960-E.)

On August 19, 1941, the United States attorney for the District of Wyoming filed a libel against 16 cases, each containing 6 No. 10 cans, of tomato catsup at Laramie, Wyo., alleging that the article had been shipped in interstate commerce on or about April 18, 1941, by Pacific Fruit & Produce Co., Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, namely, decomposed material. The article was labeled in part: "Nation's Garden Brand Tomato Catsup."

On October 27, 1941, Pacific Fruit & Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**2026. Adulteration of tomato catsup. U. S. v. 12 Cases, 12 Cases, 26 Cases, and 22 Cases of Tomato Catsup. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4781, 4813. Sample Nos. 56638-E, 56639-E, 56655-E, 56656-E.)

On or about May 17 and 27, 1941, the United States attorney for the District of Connecticut filed libels against 48 cases each containing 24 bottles of tomato catsup at New Britain, Conn., and 24 cases each containing 24 bottles of the same product at Hartford, Conn., alleging that the article had been shipped within the period from on or about October 8, 1940, to on or about April 28, 1941, by the Red Wing Co., Inc., from Fredonia, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Red Wing Pure Tomato Catsup 14 Ozs. [or "8 Ozs."] Avd. Net"; or "Mascot Brand Tomato Catsup Net Weight 14 Ounces [or "8 Ounces"] The Loomis & Willson Co. Distributors Hartford, Conn."

On September 23, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2027. Adulteration and misbranding of tomato catsup. U. S. v. 100 Cases and 50 Cases of Tomato Catsup. Product ordered released under bond for relabeling.** (F. D. C. Nos. 518, 519. Sample Nos. 40850-D, 40851-D.)

Examination of this product showed that it contained added starch and that the bottles contained less than the amount declared on the label.

On September 6, 1939, the United States attorney for the District of New Mexico filed libels against 100 cases of tomato catsup at Las Vegas, N. Mex., and 50 cases of tomato catsup at Santa Rosa, N. Mex., alleging that the article had been shipped in interstate commerce on or about July 25, 1939, by the Ellis Canning Co. from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "Delicious Tomato Catsup Contents 14 Oz. Avd. Distributed By The Meyer Brokerage Co. Denver U. S. A."

The article was alleged to be adulterated in that catsup containing starch had been substituted wholly or in part therefor.

It was alleged to be misbranded in that the name "Tomato Catsup" was false and misleading as applied to an article containing added starch. It was alleged to be misbranded further in that the statement "Contents 14 Oz. Avd." was false and misleading since it was not correct; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On November 9, 1939, the Ellis Canning Co. having appeared as claimant, judgments were entered ordering that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2028. Adulteration of tomato paste. U. S. v. 50 Cases of Tomato Paste. Default decree of condemnation and destruction.** (F. D. C. No. 4720-a. Sample No. 22535-E.)

This product contained worm and insect fragments.

On May 19, 1941, the United States attorney for the Eastern District of New York filed a libel against 50 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 28, 1941, by the Hollister Canning Co., Hollister, Calif., from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "San Benito Brand Naples Style Tomato Paste with Sweet Basil."

On August 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2029. Adulteration and misbranding of tomato paste. U. S. v. 585 Cases of Tomato Paste. Default decree of condemnation and destruction.** (F. D. C. No. 4760. Sample No. 22437-E.)

This product was found to contain worm and insect fragments. It also failed to conform to the standard of identity for tomato paste, prescribed by regulations as provided by the Federal Food, Drug, and Cosmetic Act.

On May 14, 1941, the United States attorney for the Southern District of New York filed a libel suit against 585 cases, each containing 100 cans, of tomato paste at New York, N. Y., alleging that the article had been shipped on or about March 6, 1941, by A. M. Beebe Co., Inc., from San Francisco, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "San Benito Brand Naples Style Tomato Paste Contents 6 Oz. Avoir. Packed by Hollister Canning Co., Inc. Hollister \* \* \* California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that it purported to be tomato paste, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard since it contained less than 25 percent of salt-free solids.

On September 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**Nos. 2030 to 2048**, with the exception of **2033**, **2040**, and **2042**, report the seizure and disposition of tomato products that contained excessive mold, indicating the presence of decomposed material.

**2030. Adulteration of tomato paste. U. S. v. 92 Cases of Tomato Paste. Default decree of condemnation and destruction.** (F. D. C. No. 2046. Sample Nos. 13146-E, 13851-E.)

On June 3, 1940, the United States attorney for the Eastern District of Washington filed a libel against 92 cases of tomato paste at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about February 16, 1940, from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article had been sold to the shipper by the Manteca Canning Co., Manteca, Calif., under a guaranty that it was not adulterated in violation of the Federal Food, Drug, and Cosmetic Act. It was labeled in part: "Mattina Brand Tomato Paste \* \* \* Packed by Manteca Canning Co., Manteca Calif."

On July 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2031. Adulteration of tomato paste. U. S. v. 17 Cases and 26 Cases of Tomato Paste. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4743, 4804. Sample Nos. 50695-E, 59301-E.)

On May 13 and 20, 1941, the United States attorneys for the Northern and the Southern Districts of West Virginia filed libels against 17 cases, each containing 100 cans, of tomato paste at Grafton, W. Va., and 26 cases, each containing 100 cans, of the same product at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about August 15, 1940, and March 31, 1941, by H. J. McGrath Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Net Weight 6 Ounces Avd. \* \* \* Champion Brand."

On June 3 and 9, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2032. Adulteration of tomato paste. U. S. v. 104 Cases of Tomato Paste. Default decree of condemnation and destruction.** (F. D. C. No. 3990. Sample No. 56221-E.)

On March 17, 1941, the United States attorney for the Eastern District of New York filed a libel against 104 cases, each containing 100 cans, of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped on or about March 4, 1940, from Naples, Italy, by Spinelli & G. Schiavo; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Net Contents 6½ Ozs. Choice Quality Cyrilla Brand Italian Tomato Paste with Basil."

On May 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2033. Adulteration and misbranding of tomato paste. U. S. v. 64 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3487. Sample No. 35618-E.)**

This product contained added artificial color; and it failed to comply with the definition and standard of identity for tomato paste.

On December 9, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 64 cases, each containing 100 cans, of tomato paste at New Iberia, La., alleging that the article had been shipped on or about August 11 and 15, 1940, by Uddo Taormina Corporation from Crystal Springs, Miss.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Rosa Brand Net Weight 6 Ozs."

The article was alleged to be adulterated in that inferiority had been concealed by the addition of artificial color; and in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that it purported to be tomato paste, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and it did not conform to such definition and standard in that it contained less than 25 percent of salt-free tomato solids, and artificial color.

On March 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2034. Adulteration and misbranding of tomato puree. U. S. v. 13 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 4751. Sample No. 59304-E.)**

This product, in addition to containing decomposed material, was packed in No. 10 cans which normally hold approximately 6½ pounds of tomato puree, but were labeled "Contents 1 Lb. 3 Oz."

On May 12, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 13 cases of tomato puree at Huntington, W. Va., alleging that the article had been shipped on or about January 18, 1941, by Crampton Canneries, Inc., from Celina, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Radio Brand Puree Of Tomatoes."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

The article was alleged to be misbranded in that the statement "Contents 1 Lb. 3 Oz." was false and misleading since it was incorrect; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On June 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2035. Adulteration of tomato puree. U. S. v. 73 Cases of Tomato Puree. Default decree of destruction. (F. D. C. No. 4944. Sample No. 38950-E.)**

On June 16, 1941, the United States attorney for the District of Minnesota filed a libel against 73 cases, each containing 24 cans, of tomato puree at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about May 2, 1941, by Fall Creek Canning Co. from Pendleton, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Indiana Brand Tomato Puree contents 1 lb. 3 oz."

On September 8, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2036. Adulteration of tomato puree. U. S. v. 47 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 3979. Sample No. 22417-E.)**

On March 14, 1941, the United States attorney for the District of Oregon filed a libel against 47 cases, each containing 6 No. 10 cans, of tomato puree at Portland, Oreg., alleging that the article had been shipped on or about March 1, 1941, by Hudson-Duncan & Co., Inc., from Alameda, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: (Cans) "Dundee Brand Tomato Puree."

On May 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2037. Adulteration of tomato puree. U. S. v. 317 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 4694. Sample No. 47965-E.)

On May 12, 1941, the United States attorney for the Northern District of Illinois filed a libel against 317 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped on or about March 12, 1941, by Knox Pickle & Preserving Works from Sidney, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Net Weight 6 Lbs. 9 Oz. Genesee Brand Tomato Puree."

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2038. Adulteration of tomato puree. U. S. v. 280 Cases and 260 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 4212. Sample Nos. 47249-E, 47250-E.)

On April 10, 1941, the United States attorney for the Northern District of Illinois filed a libel against 540 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped on or about February 26 and March 3, 1941, by Ladoga Canning Co. from Lebanon, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Barco Brand Tomato Puree \* \* \* Contents 6 Lbs. 8 Oz."

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2039. Adulteration of tomato puree. U. S. v. 2,490 Cartons of Tomato Puree. Decree of condemnation. Product released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 3639. Sample No. 11207-E.)

On or about January 8, 1941, the United States attorney for the Southern District of Texas filed a libel against 2,490 cartons, each containing 6 No. 10 cans, of tomato puree at Sugarland, Tex., alleging that the article had been shipped on or about September 19, 1940, by Marshall Canning Co. from Matthews, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 2, 1941, Marshall Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**2040. Adulteration of tomato puree. U. S. v. 997 Cases of Tomato Puree. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 4051. Sample No. 22405-E.)

This product was sour and decomposed.

On March 27, 1941, the United States attorney for the Southern District of New York filed a libel against 997 cases, each containing 6 cans, of tomato puree at New York, N. Y., alleging that the article had been shipped on or about February 17, 1941, by Parrott & Co. from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Lodi Brand Tomato Puree \* \* \* Net Weight 6 Lb. 8 Oz."

On July 18, 1941, Parrott & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond conditioned that it be sorted under the supervision of the Food and Drug Administration, and that the unfit portion be segregated and destroyed.

**2041. Adulteration and misbranding of tomato puree. U. S. v. 104 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 3486. Sample No. 35617-E.)

This product not only contained excessive mold, but also added artificial color; and it failed to conform to the definition and standard of identity for tomato puree.

On December 9, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 104 cases, each containing 100 cans, of tomato puree at New Iberia, La., alleging that the article had been shipped in interstate commerce on or about August 21, 1940, by Uddo Taormina



Corporation from Crystal Springs, Miss.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Net Contents 4¾ Oz. Avoir. Baby Brand Tomato Puree."

The article was alleged to be adulterated (1) in that it consisted in whole or in part of a decomposed substance; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that it purported to be tomato puree, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and it did not conform to such definition and standard in that it contained less than 8.37 percent of salt-free solids, and artificial color.

On March 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2042. Adulteration of tomato sauce. U. S. v. 195 Cases of Tomato Sauce. Default decree of condemnation and destruction.** (F. D. C. No. 3906. Sample No. 32887-E.)

This product contained worm and insect fragments.

On or about March 7, 1941, the United States attorney for the District of Arizona filed a libel against 195 cases of tomato sauce at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about October 26, 1940, by the Santa Anita Food Corporation from Orange, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Gala Brand \* \* \* Spanish Style Tomato Sauce."

On March 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2043. Adulteration of tomato sauce. U. S. v. 825 Cartons of Tomato Sauce. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 4054. Sample No. 32762-E.)

This product contained worm and insect fragments in addition to mold.

On March 27, 1941, the United States attorney for the Southern District of New York filed a libel against 825 cartons, each containing 48 cans, of tomato sauce at New York, N. Y., alleging that the article had been shipped on or about February 10, 1941, by Empire Freight Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: (Cans) "Premier Tomato Sauce Contents 7¾ oz. Avoir."

On July 18, 1941, Parrott & Co., San Francisco, Calif., having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond conditioned that it be sorted under the supervision of the Food and Drug Administration, and that the unfit portion be segregated and destroyed.

**2044. Adulteration of tomato sauce. U. S. v. 14 Cases of Tomato Sauce. Default decree of condemnation and destruction.** (F. D. C. No. 4847. Sample No. 62305-E.)

This product contained worm and insect fragments in addition to mold.

On June 3, 1941, the United States attorney for the Northern District of Illinois filed a libel against 14 cases, each containing 48 cans, of tomato sauce at Chicago, Ill., alleging that the article had been shipped on January 10, 1941, by Parrott & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: "Premier Tomato Sauce Contents 7¾ Oz. Avoir."

On August 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2045. Adulteration of chili sauce. U. S. v. 45 Cases and 20 Cases of Chili Sauce. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4903, 4904. Sample Nos. 69522-E, 69523-E.)

On June 13, 1941, the United States attorney for the Southern District of New York filed libels against 65 cases, each containing 6 cans, of chili sauce at New York, N. Y., alleging that the article had been shipped from Los Angeles, Calif., by Kern Food Products, Inc., on or about October 24, 1940, and



March 19, 1941; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Kern's Fancy Chili Sauce \* \* \* Net Weight 7 Lbs."

On July 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2046. Adulteration of hot sauce. U. S. v. 24 Cases of Hot Sauce. Default decree of forfeiture and destruction.** (F. D. C. No. 4825. Sample No. 22557-E.)

On May 24, 1941, the United States attorney for the District of Idaho filed a libel against 24 cases, each containing 72 cans, of hot sauce at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about May 3, 1941, by Stockton Food Products, Inc., from Stockton, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Real-Red Brand Net Weight 7¾ Oz. Hot Sauce."

On July 24, 1941, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

**2047. Adulteration of hot sauce. U. S. v. 38 Cases of Hot Sauce. Default decree of destruction.** (F. D. C. No. 4245. Sample No. 44377-E.)

On April 7, 1941, the United States attorney for the District of Utah filed a libel against 38 cases, each containing 72 cans, of hot sauce at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about January 31, 1941, by Sutter Packing Co. from Palo Alto, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Gardenside Hot Sauce."

On May 31, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2048. Adulteration of tomato soup. U. S. v. 5 Cases of Tomato Soup. Default decree of condemnation and destruction.** (F. D. C. No. 3580. Sample No. 34702-E.)

On December 26, 1940, the United States attorney for the District of Connecticut filed a libel against 5 cases, each containing 48 cans, of tomato soup at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about November 21, 1940, by Bruder & Zweil, Inc., from Providence, R. I.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Contents 10½ Oz. Avoir McGrath's Condensed Tomato Soup."

On April 7, 1941, no claimant having appeared, judgment of condemnation and destruction was entered with provision for delivery of a sample to the Food and Drug Administration.

#### OTHER FRUIT PRODUCTS

**2049. Adulteration of apple butter. U. S. v. 13 Cases of Apple Butter. Default decree of condemnation and forfeiture.** (F. D. C. No. 3804. Sample No. 52207-E.)

This product contained worm and insect fragments.

On February 14, 1941, the United States attorney for the District of Oregon filed a libel against 13 cases of apple butter at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 21, 1941, by the Pacific Food Products Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Sunny Jim Brand Apple Butter."

On April 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2050. Adulteration of raspberry jam and pineapple jam. U. S. v. 10 Cases and 10 Cases of Raspberry Jam and 15 Cases of Pineapple Jam. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3756, 3886. Sample Nos. 36769-E, 36770-E, 36776-E.)

Examination of samples of these products showed the presence of rodent hairs, insects, and insect fragments. A portion of the product also contained worms, flakes of paint, and nondescript dirt.

On February 5 and 28, 1941, the United States attorney for the District of Massachusetts filed libels against 10 cases each containing 6 No. 10 cans, and 10 cases each containing 12 cans of raspberry jam, and 15 cases each containing 24 jars of pineapple jam at Boston, Mass., alleging that the articles had been



shipped on or about December 27, 1940, by R. U. Delapenha & Co., Inc., from Poughkeepsie, N. Y.; and charging that they were adulterated. They were labeled in part: "Overland Brand Raspberry Jam \* \* \* 8 Lbs. 8 Oz. [or "4 Lbs. 8 Oz.]"]; and "Overland Pineapple Jam \* \* \* 1 Lb."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On March 3 and April 14, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2051. Adulteration of Nu-Olive Spred. U. S. v. 5 Cases of Nu-Olive Spred. Default decree of condemnation and destruction. (F. D. C. No. 4586. Sample No. 55468-E.)**

Examination showed this product to be decomposed.

On May 1, 1941, the United States attorney for the Western District of Washington filed a libel against 5 cases of an article labeled in part "Nu-Olive Spred" alleging that the article had been shipped in interstate commerce on or about April 16, 1941, by the Merchants Wholesale Grocery Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jars) "Nu-Olive Spred \* \* \* Nuspred Foods Co. Portland, Ore."

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2052. Adulteration and misbranding of vinegar. U. S. v. 84 Cases of Vinegar. Default decree of condemnation and destruction. (F. D. C. No. 3809. Sample No. 29233-E.)**

This article was not cider vinegar as represented but consisted of a mixture containing distilled vinegar or dilute acetic acid.

On February 12, 1941, the United States attorney for the Eastern District of Kentucky filed a libel against 69 cases each containing 12 quart bottles, 8 cases each containing 24 ten-ounce bottles, and 7 cases each containing 6 half-gallon bottles of vinegar at Covington, Ky., alleging that the article had been shipped in interstate commerce on or about November 26 and December 11, 1940, by the Ball Products Co. from Dayton, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Ball Brand Cider Vinegar."

The article was alleged to be adulterated in that distilled vinegar or dilute acetic acid had been substituted wholly or in part for cider vinegar and in that distilled vinegar or dilute acetic acid had been mixed or packed therewith so as to reduce its quality or strength.

It was alleged to be misbranded in that the statements in the label "Superior Quality for pickling or Table Use Ball Brand Cider Vinegar Reduced to 4% Acidity," were false and misleading as applied to a mixture containing distilled vinegar or dilute acetic acid. It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS

**2053. Adulteration of dried apricots. U. S. v. 1,062 Boxes of Dried Apricots. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3492. Sample No. 46025-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination at which time it was found to contain dirt and mold, and to be insect-infested.

On December 9, 1940, the United States attorney for the Southern District of New York filed a libel against 1,062 boxes of apricots at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 10, 1940, by C. L. Dick & Co. from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Azalea Brand Slabs Dried Blenheim Apricots."

On April 18, 1941, C. L. Dick & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that 100 boxes be used for the man-



ufacture of distilled spirits and the remainder held for further order of the court. On August 19, 1941, a supplemental decree was entered ordering that the 100 boxes be returned to the claimant because they could not be utilized as theretofore ordered and further ordering that the entire lot be sorted to separate the good from the bad and that the latter be destroyed.

**2054. Misbranding of dates. U. S. v. 562 Cartons and 25 Cartons of Dates. Claim and answer filed. Claimant's petition for release for export denied. Consent decree of condemnation. Product ordered released under bond to be repackaged. (F. D. C. No. 3631. Sample No. 28234-E.)**

This product was put up in packages containing 2 layers of dates and labeled "6 Oz." The top layer, which was visible through the cellophane wrapping, contained in 16 dates while the bottom layer contained on an average about 12 dates. Another package of the same size put out by the shipper and packer of this product contained 8 ounces of dates.

On January 4, 1941, the United States attorney for the District of Columbia filed a libel against 562 cartons each containing 36 packages, and 25 cartons each containing 12 packages of dates at Washington, D. C., alleging that the article had been shipped by the Hills Bros. Co. on or about December 5, 6, 10, 11, and 12, 1940, from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. It was labeled in part: "Camel Dates Pitted Net Wt. 6 Oz."

On April 9, 1941, the Hills Bros. Co., Brooklyn, N. Y., claimant, having consented to the entry of a decree, but having petitioned release of the seized goods for export, the court after hearing and argument denied said petition without opinion. Thereupon the claimant having requested authority to repossess the goods to be disposed of in compliance with the law, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged under the supervision of the Food and Drug Administration.

**2055. Adulteration of frozen huckleberries. U. S. v. 150 Boxes, 150 Cases, 37 Cases, and 57 Cases of Frozen Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 3653, 3662, 3668, 3709. Sample Nos. 32678-E, 32857-E, 32859-E, 32860-E.)**

Examination showed that this product contained insect larvae.

Between January 8 and 23, 1941, the United States attorney for the Southern District of California filed libels against 150 25-pound boxes and 187 cases each containing 25 pounds of frozen huckleberries at Los Angeles, Calif., and 57 cases each containing 10 pounds of huckleberries at Glendale, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 7 to on or about December 26, 1940, by the S. A. Moffett Co. from Seattle and Mount Vernon, Wash.; and charging that it was adulterated in that it contained a filthy substance.

On February 25 and March 12, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2056. Adulteration and misbranding of potatoes. U. S. v. 255 Sacks of Potatoes. Product ordered released under bond for relabeling or other lawful disposition. (F. D. C. No. 3698. Sample No. 32665-E.)**

This product was labeled U. S. No. 1 grade but contained grade defects in excess of the amount permissible in that grade.

On January 23, 1941, the United States attorney for the Southern District of Texas filed a libel against 255 sacks of potatoes at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 4, 1941, by V. L. Adams from Mindon, Nev.; and charging that it was adulterated and misbranded. It was labeled in part: (Sack) "U. S. No. 1 Sound State Potatoes 100 Lbs. Net Weight."

The article was alleged to be adulterated in that potatoes below U. S. No. 1 grade had been substituted in whole or in part for U. S. No. 1 potatoes. It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading since it was incorrect.

On January 27, 1941, J. Craig Allen, claimant, having consented to the entry of a decree, judgment was entered ordering release of the product under bond conditioned that it be relabeled or disposed of otherwise in compliance with the law. It was relabeled by obliterating the statement "U. S. No. 1 Sound State."



**2057. Adulteration and misbranding of potatoes. U. S. v. 180 Sacks of Potatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 3699. Sample No. 32664-E.)

This product fell below the standard for U. S. No. 1 grade potatoes because of excessive defects.

On January 24, 1941, the United States attorney for the Western District of Texas filed a libel against 180 sacks of potatoes at Austin, Tex., which had been consigned by V. L. Adams, Wabuska, Nev., alleging that the article had been shipped on or about January 4, 1941, from Wabuska, Nev.; and charging that it was adulterated and misbranded. It was labeled in part: "U. S. No. 1 Sound State Potatoes."

The article was alleged to be adulterated in that potatoes below U. S. No. 1 grade had been substituted wholly or in part for U. S. No. 1 potatoes. It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading.

On January 30, 1941, J. Craig Allen, Dallas, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

## MEAT PRODUCTS

### POULTRY

**2058. Adulteration of poultry. U. S. v. Anamosa Poultry & Egg Co., Inc. Plea of guilty. Fine, \$100 and costs.** (F. D. C. Nos. 2964, 4142. Sample Nos. 34476-E, 46656-E to 46658-E, incl., 46661-E, 46664-E to 46666-E, incl., 46668-E, 46672-E to 46674-E, incl.)

Examination of this product disclosed the presence of emaciated and diseased poultry.

On June 19, 1941, the United States attorney for the Northern District of Iowa filed an information against the Anamosa Poultry & Egg Co., Inc., Anamosa, Iowa, alleging shipment within the period from on or about November 11 to on or about December 18, 1940, from the State of Iowa into the State of New York of quantities of poultry that was adulterated in that it was in whole or in part a product of diseased animals, namely, diseased poultry. The article was labeled in part: "Anamosa Fowl Poultry" or "Poultry Fowls."

On June 19, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

**2059. Adulteration of poultry. U. S. v. H & H Poultry Co., Inc., Homer Pepper, Samuel Sahn, and Helen West. Pleas of guilty. Corporation fined \$500; each of the individual defendants fined \$100.** (F. D. C. No. 2839. Sample Nos. 10403-E, 10496-E.)

This product consisted in part of poultry which was diseased at the time of slaughter or which had died otherwise than by slaughter.

On September 23, 1940, the grand jurors in and for the District of Delaware returned an indictment in 14 counts against the H & H Poultry Co., Inc., Selbyville, Del., and Homer Pepper, Samuel Sahn, and Helen West, alleging that on or about March 4 and April 9, 1940, the defendants transported from Selbyville, Del., to New York, N. Y., quantities of poultry which was adulterated.

Count 2 of the indictment charged that the poultry shipped March 4, 1940, was adulterated in that it was unfit for food. Count 11 of the indictment charged that the poultry shipped April 9, 1940, was adulterated in that it was in whole or in part the product of diseased animals which had died otherwise than by slaughter.

On January 13, 1941, a plea of guilty having been entered by the corporation to the second and eleventh counts of the indictment and pleas of guilty having been entered by the three individuals to the second count, the court sentenced the corporation to pay a fine of \$500 and sentenced each of the individual defendants to pay a fine of \$100. The remaining counts were nolle prossed.

**Nos. 2060 to 2063** report actions based on the shipment of poultry that was in whole or in part the product of diseased birds.

**2060. Adulteration of poultry. U. S. v. Wilson & Co. Plea of nolo contendere. Fine, \$50 and costs.** (F. D. C. No. 4110. Sample No. 46006-E.)

On May 16, 1941, the United States attorney for the Southern District of Iowa filed a libel against Wilson & Co., a corporation at Ottumwa, Iowa,



alleging shipment on or about October 9, 1940, from the State of Iowa into the State of New York, of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On June 11, 1941, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

**2061. Adulteration of poultry. U. S. v. 6 Boxes of Poultry (and 5 other seizure actions against poultry). Default decrees of condemnation and destruction.** (F. D. C. Nos. 3672, 3674, 3687, 3822, 3967, 4038. Sample Nos. 46340-E to 46342-E, incl., 46344-E, 46346-E, 46625-E, 46627-E, 46628-E, 56096-E to 56099-E, incl., 56210-E to 56214-E, incl.)

Between January 15 and March 25, 1941, the United States attorneys for the District of New Jersey and the Northern and the Southern Districts of New York filed libels against 18 boxes of poultry at Jersey City, N. J., 10 boxes at New York, N. Y., and 18 boxes at Syracuse, N. Y., alleging that the article had been shipped within the period from on or about November 21 to on or about December 24, 1940, by Wilson & Co. from Atchison, Kans., Cedar Rapids, Nevada, Oelwein, Ottumwa, and Roland, Iowa, and Murfreesboro, Tenn.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. It was labeled in part: "Choice Brand Poultry Fowl [or "Roasting Chickens," "Frying Chickens," or "Broiling Chickens"] or "Common Brand Poultry Fowl" or "Roosters."

On February 4, May 22, June 27, and October 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2062. Adulteration of poultry. U. S. v. 12 Boxes and 14 Boxes of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 4301. Sample Nos. 43401-E, 43042-E.)

On April 11, 1941, the United States attorney for the Western District of Missouri filed a libel against a total of 26 boxes of poultry at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about December 9 and 13, 1940, by Edward Aaron, Inc., from Shenandoah, Iowa; and charging that it was adulterated in that it was wholly or in part the product of diseased animals. It was labeled in part: "Well Fed Chickens."

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2063. Adulteration of poultry. U. S. v. 4 Boxes and 11 Boxes of Poultry. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3673, 4029. Sample Nos. 46626-E, 56196-E to 56200-E, incl.)

Examination of this product showed the presence of diseased birds.

On January 15 and March 22, 1941, the United States attorneys for the Southern District of New York and the Northern District of New York filed libels against 4 boxes of poultry at New York, N. Y., and 11 boxes of poultry at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce on or about November 25 and December 18, 1940, by the W. B. Parrott Co. from Manning, Iowa; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part; "Choice Brand Poultry." A portion was labeled further: "Wilson & Co. Distributors \* \* \* Chicago, Ill."

On February 4 and May 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### JAPANESE STEW

**2064. Adulteration of Gyu Matsu (Japanese stew). U. S. v. 10 Cases of Gyu Matsu. Default decree of condemnation and destruction.** (F. D. C. No. 4243. Sample No. 55009-E.)

Examination showed that 31 percent by weight of the mushrooms contained in this product were worm-eaten and that larvae were present. The product contained about 44 percent mushrooms and approximately the same percentage of meat. It had the appearance of beef stew with mushrooms.

On April 8, 1941, the United States attorney for the District of Oregon filed a libel against 10 cases of an article labeled in part "Gyu Matsu," alleging that the article had been shipped in interstate commerce on or about March 6, 1941, by the Pacific Packing Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## NUTS AND NUT PRODUCTS

**2065. Adulteration of Brazil nuts. U. S. v. 11 Bags of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 3494. Sample No. 34127-E.)**

Examination showed that this product contained moldy, rancid, and decomposed nuts.

On December 9, 1940, the United States attorney for the District of New Jersey filed a libel against 11 bags of Brazil nuts at Newark, N. J., alleging that the article had been shipped on or about November 26, 1940, by Red Line Commercial Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Paramount Brand Extra Large Washed Brazil Nuts \* \* \* 100 Lbs. Net Weight."

On April 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2066. Adulteration of peanuts. U. S. v. 250 Bags and 255 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 4028. Sample Nos. 43309-E, 43310-E.)**

Examination of this product disclosed the presence of dirty peanuts.

On March 24, 1941, the United States attorney for the Western District of Missouri filed a libel against 505 bags, each containing 120 pounds, of peanuts at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 22 and 25, 1941, by Bain Peanut Co. of Texas from Durant, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Bapco No. 2 Spanish Shelled Peanuts."

On March 29, 1941, Bain Peanut Co. of Texas, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of in compliance with the law. The peanuts were crushed into peanut cake for stock feed and oil for refining purposes.

**2067. Adulteration of peanuts. U. S. v. 300 Bags and 300 Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 3534. Sample Nos. 46324-E, 46325-E.)**

Examination showed that this product contained wormy and rancid or decomposed nuts.

On December 20, 1940, the United States attorney for the Northern District of New York filed a libel against 600 bags, each containing approximately 100 pounds, of peanuts at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce on or about October 30, 1940, by Pretlow Peanut Co. from Franklin, Va.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part: "No. 2 Virginia Shelled Peanuts."

On April 2, 1941, Pretlow Peanut Co., and the Cream Dove Manufacturing Co., Binghamton, N. Y., claimants, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released to the claimants under bond conditioned that it be converted into peanut cake for animal feeding and peanut oil for technical or other nonfood purposes, such as soap manufacture, under the supervision of the Food and Drug Administration.

**2068. Adulteration of pecans. U. S. v. 4 Boxes of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 4076. Sample No. 43244-E.)**

This product was contaminated with *Escherichia coli*.

On March 29, 1941, the United States attorney for the District of Nebraska filed a libel against 4 boxes of shelled pecans at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about January 30, 1941, by the John Fisher Pecan Co. from Dallas, Tex.; and charging that the article was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "60 Lbs Net Pecans Fancy Selected Pieces."

On May 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2069. Adulteration of shelled pecans. U. S. v. 10 Cases of Shelled Pecans. Default decree of condemnation and destruction.** (F. D. C. No. 3642. Sample No. 16592-E.)

This product was contaminated with fecal *Escherichia coli*. It also contained rodent hairs.

On January 9, 1941, the United States attorney for the District of Nebraska filed a libel against 10 cases of shelled pecans at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about November 20 and 22, 1940, by Frank Springer from San Antonio, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "60 Lbs. Net."

On May 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2070. Adulteration of pecan pieces. U. S. v. 16 Cases of Pecans. Default decree of condemnation and destruction.** (F. D. C. No. 3704. Sample No. 38445-E.)

This product was contaminated with *Escherichia coli*, and also contained rodent hairs and insect fragments.

On January 24, 1941, the United States attorney for the District of Minnesota filed a libel against 16 cases of pecan pieces at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about November 26, 1940, by the Sunshine Pecan Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2071. Adulteration of pecans and black walnuts. U. S. v. 3 Cases of Pecans and 3 Cases of Black Walnuts. Default decree of condemnation and destruction.** (F. D. C. No. 3759. Sample Nos. 28146-E, 28148-E.)

Examination showed that these products contained moldy nuts.

On February 4, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 3 cases each containing 12 cartons of 12 cellophane bags of pecans, and 3 cases each containing 10 cartons of black walnuts at Richmond, Va., alleging that the articles had been shipped on or about November 6 and 15, 1940, by Southland Pecan Co., Inc., from Columbus, Ga.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: (Pecans, bags) "Gold Medal Pecans Net Wt. 1½ Oz." or (walnuts, cartons) "Net Wt. 5-lbs. \* \* \* Black Walnuts."

On April 29, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2072. Adulteration of walnut meats. U. S. v. 6 Cartons and 3 Cartons of Walnut Meats. Default decree of destruction.** (F. D. C. No. 3627. Sample Nos. 32853-E, 32854-E.)

Examination showed that this product contained wormy and moldy nuts.

On January 3, 1941, the United States attorney for the District of Utah filed a libel against 9 cartons, each containing 25 pounds, of walnut meats at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about December 20, 1940, by M. Phillips Co. from Van Nuys, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: "New Crop Special [or "Std."] Ambers Walnut Meats."

On April 26, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

#### PEANUT BUTTER

**2073. Alleged adulteration and misbranding of peanut butter. U. S. v. Texas Peanut Products Co., Inc. Tried to the court; judgment of not guilty.** (F. D. C. No. 2893. Sample Nos. 9181-E, 16034-E, 16731-E.)

On January 8, 1941, the United States attorney for the Southern District of Texas filed an information against the Texas Peanut Products Co., Inc., Houston, Tex., alleging shipment on or about October 30, 1939, and January 12 and April 13, 1940, from the State of Texas into the States of Louisiana and Oklahoma, of quantities of peanut butter of which a portion was adulterated and the remainder was misbranded. Portions of the article were labeled in part: "Net Wt. 8 Oz. Danny Boy Brand Peanut Butter" or "Tom Sawyer Brand \* \* \* Net weight 40 Oz."



A portion of the article, which was shipped on or about January 12, 1940, was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The shipments made on October 30, 1939, and April 13, 1940, were alleged to be misbranded (1) in that the statements "Net Wt. 8 Oz." and "Net Weight 40 Oz.," appearing on the jar labels, were false and misleading since each of the jars did not contain 8 ounces or 40 ounces, respectively, of peanut butter but did contain a smaller amount; and (2) in that the product was in package form and its label did not bear an accurate statement of the quantity of contents in terms of weight.

On March 14, 1941, the case came on for trial before the court and at the conclusion of the Government's case, the court found the defendant not guilty "for lack of evidence of interstate shipment."

**2074. Adulteration of peanut butter. U. S. v. 25 Cases, 10 Cases, 7 Cases, and 3 Cases of Peanut Butter. Consent decree of destruction. (F. D. C. No. 1298. Sample No. 78464-D.)**

Examination showed that this product was contaminated with dirt and insect fragments and that a portion also contained rodent hairs.

On January 12, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 25 cases each containing 12 32-ounce jars, and 10 cases each containing 24 8-ounce jars, of peanut butter at Thomas, W. Va. (the libel was amended on November 27, 1940, to include action against 7 cases of 32-ounce jars and 3 cases of 8-ounce jars of peanut butter), alleging that the article had been shipped by Producers Peanut Co., Inc., from Suffolk, Va., on or about September 19 and November 6, 1939; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Lily Brand Peanut Butter."

On December 9, 1940, the Producers Peanut Co., Inc., having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

**2075. Adulteration of peanut butter. U. S. v. 20 Cases, 15 Cases, 11 Cases, and 35 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 3830, 3831, 4025. Sample Nos. 29321-E, 29433-E, 35901-E.)**

This product contained rodent hairs, rodent excreta, insect fragments, and miscellaneous dirt.

On February 17 and 18 and March 25, 1941, the United States attorneys for the Eastern District of Tennessee and the Southern District of Mississippi filed libels against 15 cases each containing 24 1-pound jars, and 11 cases each containing 12 2-pound jars, of peanut butter at Shelbyville, Tenn., 20 cases each containing 24 1-pound jars of peanut butter at Etowah, Tenn., and 35 cases each containing 24 8-ounce jars of peanut butter at Gulfport, Miss., alleging that the article had been shipped within the period from on or about October 3 to on or about December 30, 1940, by Sessions Co., Inc., from Enterprise, Ala.; and charging that it was adulterated. The article was labeled in part: "Goldcraft [or "School Day Brand"] Peanut Butter."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. The shipment at Gulfport, Miss., was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 23 and June 11, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2076. Misbranding of peanut butter. U. S. v. 381 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned or labeled. (F. D. C. No. 3484. Sample No. 35367-E.)**

This product was short weight.

On December 6, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 381 cases, each containing 24 jars, of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce within the period from on or about September 16 to on or about October 26, 1940, by Robertson Peanut Co. from Clayton, Ala.; and charging that it was misbranded. It was labeled in part: (Jars) "Net Weight One Pound Delicious Brand Peanut Butter."



The article was alleged to be misbranded in that the statement "Net Weight One Pound" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On December 23, 1940, Robertson Peanut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned or relabeled under the supervision of the Food and Drug Administration so that it comply with the law. The product was repacked to the declared weight.

### VEGETABLE OILS

**2077. Misbranding of olive oil. U. S. v. R. Gerber & Co. Plea of guilty. Fine, \$100.** (F. D. C. No. 2103. Sample Nos. 46932-D, 58760-D, 75047-D, 75634-D, 3703-E, 4713-E, 4826-E.)

This case was based on shipments of olive oil which was short of the declared volume.

On September 5, 1940, the United States attorney for the Northern District of Illinois filed an information against R. Gerber & Co., a corporation, Chicago, Ill., alleging shipment within the period from on or about September 15, 1939, to on or about February 19, 1940, from the State of Illinois into the States of Wisconsin and Ohio of quantities of olive oil which was misbranded. The article was labeled in part variously: "Gentile's \* \* \* Pure Olive Oil \* \* \* Distributed by Louis Gentile Food Products, Kenosha, Wis.," "Campanello Brand Finest Imported Olive Oil \* \* \* Packed by R. Gerber & Co., Chicago, Ill.," "Joannes Quality Imported Pure Olive Oil \* \* \* Distributors Joannes Bros. Co., Green Bay, Wisconsin," "Gerber's Imported Pure Virgin Olive Oil \* \* \* Packed by R. Gerber & Co., Chicago, Ill.," "Hoffman's Finest Quality Imported Pure Olive Oil Packed for John Hoffman & Sons Co., Milwaukee."

The article was alleged to be misbranded in that the statements "Two Oz.," "2 Fluid Oz.," "Contents One Gallon," "4 Fluid Ozs.," and "8 Fl. Ozs.," borne on the labels of the bottles and cans, were false and misleading since the said statements represented that the bottles and cans contained the volume of olive oil declared on the label, whereas they did not contain such volume but did contain a smaller amount.

On May 15, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

**2078. Misbranding of olive oil. U. S. v. 20 Cases of Olive Oil. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 1841. Sample No. 3703-E.)

This product was short of the declared volume.

On April 24, 1940, the United States attorney for the Southern District of Ohio filed a libel against 20 cases of olive oil at Dillonvale, Ohio, alleging that the article had been shipped in interstate commerce on or about February 19, 1940, by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Bottles) "Gerber's Imported Pure Virgin Olive Oil 8 Fl. Ozs."

The article was alleged to be misbranded in that the statement "8 Fl. Ozs." was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2079. Misbranding of olive oil. U. S. v. 22 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to charitable institution.** (F. D. C. No. 3936. Sample Nos. 46189-E, 46310-E.)

This product was short of the declared volume.

On March 6, 1941, the United States attorney for the District of New Jersey filed a libel against 22 cans of olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 29, 1941, from Brooklyn, N. Y., by I. Haber, Inc.; and charging that it was misbranded. The article was labeled in part: "Pure Imported Olive Oil Napoli Brand."

The article was alleged to be misbranded in that the statement on the label "net contents one gallon" was false and misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.



On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2080. Misbranding of olive oil. U. S. v. 1,978 Bottles and 3 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 2297. Sample Nos. 7395-E, 7940-E to 7943-E, incl.)**

This product was shipped in interstate commerce in drums labeled in part "Lindsay Brand Fancy California Olive Oil." While being held for sale after such shipment, it was bottled and labeled as indicated hereinafter. The 10-ounce bottles contained less than the amount declared on the label.

On July 22, 1940, the United States attorney for the District of Arizona filed a libel against 1,978 bottles, and 3 cases each containing 12 quart bottles of olive oil at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about December 29, 1939, by the Lindsay Ripe Olive Co. from Lindsay, Calif.; and charging that it was misbranded. At the time of seizure a portion of the article was labeled in part, "Arnold's Pure Imported Olive Oil 1-6/10 Fluid Ozs. Packed by Arnold Pickle & Olive Co. Phoenix, Ariz.;" and the remainder was labeled: "Arnold's Imported Olive Oil One Quart [or "5 Fluid Oz." or "10 Fluid Oz."] Arnold Pickle & Olive Co., Phoenix Arizona."

The article was alleged to be misbranded in that the statements "Pure Imported Olive Oil" and "Imported Olive Oil" were false and misleading since its was of domestic origin. The article in the 10-ounce bottles was alleged to be misbranded further in that the statement "10 Fluid Ozs." was false and misleading since the net volume found in the bottles was 9.65 fluid ounces; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2081. Adulteration and misbranding of olive infused salad oil. U. S. v. 700 Cases of Salad Oil. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3942. Sample No. 46486-E.)**

This product consisted essentially of corn oil with a sufficient infusion of olives to simulate the flavor and appearance of olive oil. It also contained benzaldehyde, and apricot, or other kernel, oil.

On March 10, 1941, the United States attorney for the Southern District of New York filed a libel against 700 cases of salad oil at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 30, 1941, by American Maize Products Co. from North Hammond, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "One Gallon net Ricola Pure Olive Infused Salad Oil."

The article was alleged to be adulterated in that a product containing benzaldehyde and apricot or other kernel oil had been substituted wholly or in part for "Pure Corn oil specially processed with genuine selected imported olives," which it purported to be.

The article was alleged to be misbranded in that the following statements were false and misleading: "Pure Olive Infused Salad Oil Pure Corn Oil Specially Processed with Genuine Selected Imported Olives to Develop Fine Olive Flavor. This specially processed corn oil contains the natural flavor of the finest imported olives, and is a delicious oil for salads and salad dressings. Do not confuse Ricola with ordinary 'Blended' or 'compound' oils! Ricola is made under a patented process by Infusion of corn oil with selected imported olives so that the natural olive flavor is imparted to the oil. Ricola is guaranteed absolutely pure and wholesome. [Similar statements in Italian] We guarantee Ricola Oil to be absolutely pure and wholesome and to comply with all pure food laws throughout the world."

The article was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not so appear in the foreign language.

On April 24, 1941, Musher & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned on its being properly relabeled.



**2082. Adulteration and misbranding of olive oil. U. S. v. 49 Gallon Cans, 44 Gallon Cans, and 13½-Gallon Cans of Olive Oil. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3504 to 3506, incl. Sample Nos. 29013-E to 29015-E, incl.)

Analysis showed that this product consisted essentially of cottonseed oil with little or no olive oil.

On December 12, 1940, the United States attorney for the Northern District of Ohio filed libels against 93 gallon cans and 13 half-gallon cans of olive oil at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about May 28 and June 26, 1940, by the De Luxe Products Co. from McKees Rocks, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "O Sole Mio Virgin Extra Sublime Olive Oil."

It was alleged to be adulterated in that an article consisting essentially of cottonseed oil and containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the following designs and statements were false and misleading as applied to an article consisting essentially of cottonseed oil and containing little or no olive oil: "[Design of olive leaves and olives] O Sole Mio Virgin Extra Sublime Olive Oil \* \* \* Olio D'Olive Vergine Extra Sublime \* \* \* O Sole Mio Italian olive oil is produced with selected ripe olives from the finest regions available. That is why the quality is uniformly 'of the best' at all times. Absolutely pure in all respects and so guaranteed under chemical analysis. You need not hesitate to use this olive oil freely for cooking and eating purposes. Also splendid for medicinal use. [Similar statements in Italian.]" (on half-gallon size cans only) "Imported from Lucca-Italy \* \* \* Importato da Lucca-Italy." It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On April 5, 1941, the De Luxe Products Co. having intervened but having failed to answer or plead further, judgments of condemnation were entered and the product was ordered destroyed.

**2083. Adulteration and misbranding of olive oil. U. S. v. 45 Cases of Olive Oil. Default decree of condemnation and destruction.** (F. D. C. No. 3545. Sample No. 25830-E.)

This product was not imported olive oil as represented but was a mixture of cottonseed oil and olive oil.

On December 18, 1940, the United States attorney for the Middle District of Alabama filed a libel against 45 cases of olive oil at Clanton, Ala., alleging that the article had been shipped in interstate commerce on or about November 4, 1940, by the National Specialty Co. from Nashville, Tenn.; and charging that it was adulterated and misbranded. It was labeled in part: "Nasco Pure Imported Olive Oil."

The article was alleged to be adulterated in that a mixture of olive oil and cottonseed oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the statement "Pure Imported Olive Oil" was false and misleading as applied to a mixture of olive oil and cottonseed oil.

On January 20, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

## CANDY

**2084. Adulteration of candy. U. S. v. Harris-Woodson Co., Inc., and Richard A. Harris. Pleas: nolo contendere on behalf of corporation; not guilty by Richard A. Harris. Corporation adjudged guilty and fined \$100. Richard A. Harris adjudged not guilty.** (F. D. C. No. 2074. Sample Nos. 78460-D, 78462-D, 78521-D to 78523-D, incl., 78525-D, 78527-D, 78528-D, 78530-D, 78540-D, 78542-D, 78543-D, 87453-D to 87455-D, incl.)

This case was based on candy, of which one shipment contained moldy and rancid nuts and the others contained insect fragments, rodent hairs, and other extraneous material.

On or about June 3, 1940, the United States attorney for the Western District of Virginia filed an information against Harris-Woodson Co., Inc., Lynchburg, Va., and Richard A. Harris, alleging shipment within the period from on or about September 1 to on or about November 13, 1939, from the State of Virginia into



the States of West Virginia and North Carolina of quantities of candy which was adulterated. The article was labeled in part variously: "Malted Milk," "Choc. Nougatines," "Peanut Clusters," "Choc. Peanut Logs," "Goober Nut Squares," "Red & White Bar," "Dairy Maid Fudge," "Summer Choc. Bears," "Iced Caramel Bar," "Choc. Nut Rolls," "Chocolate Covered Peanuts," "Dandy Mixture Melco," "Choc. Dolls Melco," "Mello Mint Puffs," and "Mel-O Beans."

One lot (chocolate-covered peanuts) was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance, namely, candy containing moldy and rancid peanuts. The product in the remaining lot was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

On June 5, 1940, a plea of *nolo contendere* was entered on behalf of the corporation and a plea of not guilty was entered by Richard A. Harris. Jury was waived and the evidence was heard by the court, which found the corporation guilty and imposed a fine of \$100 upon it without costs. The court found Richard A. Harris not guilty.

**2085. Adulteration of candy. U. S. v. 38 Boxes and 94 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3955, 3958. Sample Nos. 29276-E, 29453-E.)

This product contained rodent hairs.

On March 12 and 13, 1941, the United States attorneys for the Southern and the Northern Districts of Ohio filed libels against 38 boxes of candy at Cincinnati, Ohio, and 94 boxes of candy at Wapakoneta, Ohio, alleging that the article had been shipped in interstate commerce on or about February 6 and 8, 1941, by Bradas & Gheens, Inc., from Louisville, Ky.; and charging that it was adulterated. It was labeled in part: (Boxes) "Country Candy Ham."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 24 and 25, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2086. Adulteration and misbranding of candy. U. S. v. 37 Boxes and 48 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 3729, 3806. Sample Nos. 50733-E, 50735-E.)

Examination showed that this product was contaminated with insect fragments and rodent hairs. Moreover, the labeling of a portion failed to bear the name of each of the ingredients from which it was made.

On February 3 and 14, 1941, the United States attorney for the Eastern District of North Carolina filed libels against 85 boxes of candy at Wilson, N. C., alleging that the article had been shipped in interstate commerce on or about July 26 and 30, 1940, and on or about January 4, 1941, by R. H. Hardesty Co., Inc., from Richmond, Va.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "Hardesty's Fine Candies Cluster Pops [or "Coco. Ices"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The portion of the article shipped in July 1940, was alleged to be misbranded in that it was fabricated from two or more ingredients and did not bear a label stating the common or usual name of each of the ingredients.

On February 24, 1941, R. H. Hardesty Co., Inc., having petitioned for permission to draw samples, an order was entered granting such petition and further granting that the intervenor be allowed an extension of 30 days within which to file claim or other pleadings. On April 15, 1941, no claim having been entered, judgments of condemnation were entered and both lots were ordered destroyed after 30 days unless taken down under bond by the owner and were destroyed in accordance with such order.

**2087. Adulteration of candy. U. S. v. 22 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3415. Sample No. 52491-E.)

This product contained rodent hairs and insect fragments.

On November 20, 1940, the United States attorney for the District of Montana filed a libel against 22 boxes of candy at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about June 18, 1940, by



the Martin Candy Co. from Dallas, Tex.; and charging that it was adulterated. The article was labeled in part: (Boxes) "Bofe-Uvus 2 for 5¢ 36 Count."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2088. Adulteration of candy. U. S. v. 18 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3272. Sample No. 39445-E.)

This product contained rodent excreta, rodent hairs, and insect fragments.

On October 29, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 18 boxes of candy at Batesville, Ark., alleging that the article had been shipped in interstate commerce on or about October 12, 1940, by the Oliver-Finnie Co. from Memphis, Tenn.; and charging that it was adulterated. It was labeled in part: "Silver Moon Contents 12 Lbs. Net Wt. De Soto Mixed Candies."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2089. Adulteration of candy. U. S. v. 23 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3801. Sample No. 50754-E.)

This product contained rodent hairs.

On February 14, 1941, the United States attorney for the Eastern District of North Carolina filed a libel against 23 boxes of candy at Hartford, N. C., alleging that the article had been shipped in interstate commerce on or about January 21, 1941, by the Richmond Candy Manufacturing Co. from Richmond, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "80 Cherry Pop."

On March 25, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. The product was subsequently destroyed in accordance with said order.

**2090. Adulteration of candy. U. S. v. 38 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4552. Sample No. 40627-E.)

This product contained rodent hairs.

On April 30, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 38 boxes of candy at Harrisburg, Pa., alleging that the article had been shipped in interstate commerce or or about April 8, 1941, by the Voneiff-Drayer Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Boxes) "120 Count Miss America Chocolate Whipped Creams 1 for 1¢."

On May 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2091. Adulteration of candy. U. S. v. 4 Cartons, 31 Cartons, and 22 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4071, 4095, 4388. Sample Nos. 37859-E, 50523-E, 59210-E.)

Examination showed that all shipments of this candy were contaminated with rodent hairs and that one shipment also contained insect fragments.

On March 29 and 31 and April 24, 1941, the United States attorneys for the Eastern District of North Carolina and the District of Columbia filed libels against 31 cartons of candy at Greenville, N. C., 22 boxes at Lumberton, N. C., and 4 cartons of the same product at Washington, D. C., alleging that the article had been shipped in interstate commerce by S. L. Williams Co., Inc., from Norfolk, Va., on or about January 25, February 20, and March 1, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under



insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Wilco Ices 2 for 1¢."

On April 17 and May 20 and 26, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. The portion of the product seized in the District of Columbia was ordered destroyed immediately; and that seized in the Eastern District of North Carolina was ordered destroyed after 30 days unless taken down under bond by the owner, and was destroyed in accordance with said order.

**2092. Adulteration and misbranding of candy. U. S. v. 194 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 4040. Sample Nos. 31591-E, 31595-E.)**

Examination showed that this product was contaminated with rodent hairs and insect fragments. Moreover, the label did not bear the common or usual name of each the ingredients.

On or about March 24, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 194 cases, each containing 12 bars, of candy at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about February 25 and 28, 1941, from Zion, Ill., by the Zion Baking & Candy Industries; and charging that it was adulterated and misbranded. The article was labeled in part: "Jersey Fudge Dark [or "Light"]."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The article was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient since it contained peanuts, which were not declared.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2093. Misbranding of candy. U. S. v. 34 Boxes, 32 Boxes, and 32 Boxes of Candy. Default decrees of condemnation. Product ordered delivered to a charitable institution. (F. D. C. Nos. 4056, 4057. Sample Nos. 56349-E to 56351-E, incl., 56369-E to 56372-E, incl.)**

The quantity of contents statement on the label of this product was incorrect, since the net weight marked on the package was really the weight of the candy plus the weight of the wrappers. Furthermore, the labeling gave the erroneous impression that the article was of foreign origin.

On March 26, 1941, the United States attorney for the Southern District of New York filed libels against 66 5-pound boxes and 32 pound boxes of candy at New York, N. Y., alleging that the article had been shipped on or about December 12, 1940, and February 7 and 26 and March 10, 1941, from Boston, Mass., by the Italian Fruit Caramel Co.; and charging that it was misbranded. It was labeled in part: "Carmella 'Torina' Italian Fruit Drop [or "Italian Style Hard Candy"] Gold Medal Award Bologna, Italy."

The article was alleged to be misbranded in that the labeling on the wrappers of the individual pieces of candy was false and misleading because it bore the design of gold medals and the words "Bologna, Italy," prominently placed, all of which gave the impression that it was of foreign origin; in that the net weight stated on the boxes was false and misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 8, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution.

## FLAVORS

**2094. Adulteration and misbranding of vanilla flavor. U. S. v. 16 Dozen Bottles of Vanilla Flavor. Default decree of condemnation and destruction. (F. D. C. No. 4260. Sample No. 16994-E.)**

Analysis indicated that this product contained resinous substances not found in genuine vanilla.

On April 9, 1941, the United States attorney for the Western District of Missouri filed a libel against 16 dozen bottles of vanilla flavor at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 5, 1940, by the LaSalle Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Florence Nightingale Brand Pure Vanilla Flavor."



The article was alleged to be adulterated in that imitation vanilla flavor containing resinous substances not found in genuine vanilla flavor had been substituted wholly or in part for pure vanilla flavor; in that inferiority had been concealed through the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statement "Pure Vanilla Flavor" was false and misleading as applied to an imitation vanilla flavor containing resinous substances not found in genuine vanilla flavor; in that it was offered for sale under the name of another food; and in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2095. Adulteration and misbranding of vanilla extract. U. S. v. 40 Cases of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 4316. Sample No. 21320-E.)**

This product contained resinous substances not found in genuine vanilla.

On April 12, 1941, the United States attorney for the Northern District of California filed a libel against 40 cases of vanilla extract at Sacramento, Calif., which had been shipped by S. E. Rykoff & Co., New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 17, 1941, from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "8 Fl. Oz. Pure Extract Vanilla Plantation Extract Corp., New York, N. Y."

The article was alleged to be adulterated (1) in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated.

On May 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

**2096. Misbranding of bust developer. U. S. v. Myrtle E. Edwards (Elga Laboratories). Plea of guilty. Defendant placed on probation for 4 years. (F. D. C. No. 2115. Sample No. 5904-E.)**

This product was falsely represented to be a "normalizing food" that would develop the bust. Its label failed to bear the common or usual name of each ingredient, and it contained undeclared color.

On September 11, 1940, the United States attorney for the Northern District of California filed an information against Myrtle E. Edwards, trading as Elga Laboratories, at San Francisco, Calif., alleging shipment on or about January 29, 1940, from the State of California into the State of Ohio of a quantity of Elga Bust Developer that was misbranded.

The article was alleged to be misbranded in that the statements, "Elga Bust Developer. A Specialized normalizing Food designed to suppliment nature, feeding systemically the sensitive, delicate, starved cells of immature, sagging or depleted breasts," borne on the bottle label were false and misleading in that they represented that the article would develop the bust; that it was a specialized normalizing food designed to supplement nature; and that it would feed systemically the sensitive, delicate, starved cells of immature, sagging, or depleted breasts; whereas it would not be effective for such purposes. It was alleged to be misbranded further in that it was fabricated from two or more ingredients, and its label did not bear the common or usual name of each of



such ingredients; and in that it contained artificial coloring and did not bear labeling stating that fact.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 370.

On February 4, 1941, a plea of guilty having been entered, the court placed the defendant on probation for a period of 4 years.

**2097. Adulteration and misbranding of Shores Ka-Vi-Min Tablets. U. S. v. 1½ Drums Containing 71,300 Tablets of Shores Ka-Vi-Min Tablets. Default decree of condemnation and destruction. (F. D. C. No. 3992. Sample No. 32805-E.)**

This product was labeled as containing 140 U.S.P. units of vitamin D and 25 International Units of vitamin B<sub>1</sub> per tablet; whereas it contained not more than 100 U.S.P. units of vitamin D and not more than 15 U.S.P. units of vitamin B<sub>1</sub> (1 U.S.P. unit of vitamin B<sub>1</sub> is equal to 1 International Unit of the same vitamin).

On March 14, 1941, the United States attorney for the Southern District of California filed a libel against 1½ drums of Shores Ka-Vi-Min Tablets at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 28, 1940, by the Shores Co. from Cedar Rapids, Iowa; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamin B<sub>1</sub> and vitamin D, had been wholly or in part omitted or extracted therefrom. It was alleged to be misbranded in that the following statements were false and misleading, since each tablet did not contain 140 U.S.P. units of vitamin D or 25 International Units of vitamin B<sub>1</sub>: "Each tablet contains \* \* \* 140 U.S.P. units Vitamin D" and "25 International units Vitamin B<sub>1</sub>."

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D.D.N.J. No. 356.

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2098. Misbranding of Colloidal Dextro Calcium. U. S. v. 110 Bottles of Colloidal Dextro Calcium Bleything. Default decree of condemnation and destruction. (F. D. C. No. 3358. Sample No. 44102-E.)**

This product did not contain the amount of calcium suggested and indicated in its labeling but did contain sodium benzoate materially in excess of the amount declared.

On November 12, 1940, the United States attorney for the District of Colorado filed a libel against 110 bottles of the above-named product at Denver, Colo., which had been shipped by the Bleything Laboratories, alleging that the article had been shipped in interstate commerce on or about October 17, 1940, from Los Angeles, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statements on the label "Colloidal Dextro Calcium Bleything \* \* \* Dosage: One teaspoonful three times daily before meals. May be taken in milk or fruit juices, if preferred. In pronounced cases dosage may be doubled for two weeks. Dosage for children is the same as for adults" were false and misleading since they created the impression that it would supply the consumer with a significant amount of calcium even in pronounced cases of calcium deficiency when used as directed, when, in fact, it would supply but a negligible amount of calcium. The article was alleged to be misbranded further, in that the statement on the label "less than 1/20 of 1% Sodium Benzoate" was false and misleading since it contained materially more than one-twentieth of 1 percent of sodium benzoate.

The article was also alleged to be misbranded under the provisions of law applicable to drugs, as reported in notices of judgment on drugs and devices.

On November 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2099. Adulteration of cacao beans. U. S. v. 375 Bags of Cacao Beans. Consent decree of condemnation. Product ordered released under bond for cleansing and sorting. (F. D. C. No. 3124. Sample No. 16698-E.)**

This product was insect-infested, having been found to contain worm-cut beans, worms, excreta, and webbing.

On October 3, 1940, the United States attorney for the Western District of Missouri filed a libel against 375 bags of cacao beans at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by Emil Pick from Jersey City, N. J.; and charging that



it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Produce of Gold Coast."

On March 29, 1941, the Chase Candy Co. of St. Joseph, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly cleaned and sorted in order to eliminate all unfit material.

**2100. Adulteration of onion powder. U. S. v. 6 Cases of Onion Powder. Default decree of condemnation and destruction. (F. D. C. No. 3893. Sample No. 46914-E.)**

This product contained insect fragments and sand.

On February 28, 1941, the United States attorney for the District of New Jersey filed a libel against 6 cases each containing 2 tins of onion powder at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about January 24, 1941, by Sokol & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tin) "Cal Veg Pure Onion Powder Yellow net weight 25 Lbs."

On April 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



# INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 1901-2100

## PRODUCTS

	N. J. No.		N. J. No.
Apple butter	2049	Japanese stew. <i>See</i> Gyu Matsu.	
Apricots, dried	2053	Macaroni products	1912-1914
Beans, canned	1970	Mackerel, canned	1951
green, canned	1971, 1972	Meat products	2058-2064
wax, canned	1973	Nu-Olive Spread	2051
Beet(s), canned	1974	Nuts and nut products	2065-2076
juice	1906	Olive oil	2077-2083
Beverages and beverage materials	1901-1908	<i>See also</i> Salad oil, olive-infused.	
Blackberries, canned	1956	Onion powder	2100
Brazil nuts	2065	Oysters	1946-1949
Bust developer	2096	canned	1949
Butter	1918-1939	Peanut(s)	2066, 2067
Cacao beans	2099	butter	<sup>1</sup> 2073-2076
Calcium. <i>See</i> Colloidal Dextro-Calcium.		Peas, canned	1985-1998
Candy	2084-2093	Pecan(s)	2068, 2069, 2071
Carrot juice	1906	pieces	2070
Cereal products	1909-1916	Pepper and tomato juice	1907
Cheese, Limburger	1940	Perch, frozen	1952
Cherries, canned	1961-1968	Potatoes	2056, 2057
Chili sauce	2045	Poultry	2058-2063
Clams, canned	1950	Salad oil, olive-infused	2081
Cod-liver oil, poultry	1917	Sardines, canned	1955
Coffee	1901	Sauerkraut, canned	1999
Colloidal Dextro-Calcium	2098	Shores Ka-Vi-Min Tablets	2097
Cookies	1915	Soup, tomato	2048
Corn, canned	1975-1984	Spaghetti	1912-1914
chips	1916	canned	1914
meal	1909-1911	Spices. <i>See</i> Onion powder.	
Crab meat	1945	Spinach, canned	1969
Dairy products	1918-1940	Stockfish	1954
Dates	2054	Succotash, canned	2000
Dry-Clo "400"	1917	Tea	1902
Eggs, frozen	1941-1944	Tomato(es), canned	2001, 2005-2014
Feed	1917	catsup	2002-2004, 2015-2027
Fisheries products	1945-1955	juice	1908, 2007
Flavors	2094, 2095	and pepper juice	1907
Fruit(s) and vegetable(s)	1956-2057	ketchup. <i>See</i> Tomato catsup.	
canned	1956-2000	paste	2024, 2028-2033
dried	2053, 2054	puree	2001, 2002, 2021, 2034-2041
frozen	2055	sauce	2042-2047
fruits for salads, canned	1959	soup	2048
potatoes	2056, 2057	Vanilla flavor	2094, 2095
products	2049-2052	Vegetables. <i>See</i> Fruit(s) and vegetable(s); <i>also</i> under special names.	
tomatoes and tomato products	2001-2048	Vinegar	2052
Grapefruit, canned	1960	Vitamin tablets	2097
flavor	1905	Walnuts	2072
juice	1903, 1904	black	2071
Gyu Matsu	2064	Whiting, frozen	1953
Hot sauce	2046, 2047		
Huckleberries, canned	1957, 1958		
frozen	2055		
Jams	2050		

<sup>1</sup> Prosecution contested.

## SHIPPERS, PROCESSORS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Aaron, Edward, Inc.:		Armour Creameries:	
poultry	2062	butter	1918
Adams, V. L.:		Arnold Pickle & Olive Co.:	
potatoes	2056, 2057	olive oil	2080
Affiliated Food Distributors, Inc.:		Associated Canneries, Inc.:	
spinach, canned	1969	tomato puree	2001
Ahlers, Carl, Inc.:		tomatoes, canned	2001
butter	1927	Avon Farmers Creamery:	
Amboy Food Corporation:		butter	1923
peas, canned	1985	Bagley Canning Co.:	
American Maize Products Co.:		tomatoes, canned	2005
olive-infused salad oil	2081	Bain Peanut Co. of Texas:	
Anamosa Poultry & Egg Co., Inc.:		peanuts	2066
poultry	2058	Ball Products Co.:	
Apte Bros. Canning Co.:		vinegar	2052
tomatoes, canned	2008	Becker Prentiss, Inc.:	
Armour & Co.:		tomato catsup	2018
butter	1918		



	N. J. No.		N. J. No.
Beebe, A. M., Co., Inc.:		Gentile, Louis, Food Products:	
tomato paste	2029	olive oil	2077
Bleything Laboratories:		Gerber, R., & Co.:	
Colloidal Dextro-Calcium	2098	olive oil	2077, 2078
Borden Co.:		Gibbs & Co.:	
Limburger cheese	1940	peas, canned	1991
Bradas & Gheens, Inc.:		Glenwood Sanitary Dairy:	
candy	2085	butter	1929
Breakstone Bros., Inc.:		Gloucester Seafoods Corporation:	
butter	1923, 1925, 1935	whiting, frozen	1953
Bright, P. V., & Co.:		Gooch Food Products Co.:	
stockfish	1954	spaghetti	1912
Brittingham Brokerage Co.:		Green, W. H.:	
peas, canned	1987	butter	1919
Bruder & Zweil, Inc.:		H & H Poultry Co., Inc.:	
tomato soup	2048	poultry	2059
Burnham & Morrill Co.:		Haber, I., Inc.:	
clams, canned	1950	olive oil	2079
Busalacchi, T. & J., Inc.:		Hanover Creamery Assoc.:	
perch, frozen	1952	butter	1930
Camden Packing Co.:		Hardesty, R. H., Co., Inc.:	
corn, canned	1975	candy	2086
Clinton Creamery:		Harris, A. J.:	
butter	1924	sauerkraut, canned	1999
Coles, C. C., Canning Co.:		Harris, R. A.:	
tomatoes, canned	2012	candy	2084
Comstock Canning Corporation:		Harris-Woodson Co., Inc.:	
peas, canned	1995	candy	2084
Crampton Canneries, Inc.:		Harsha, P. H., Milling Co.:	
tomato puree	2034	corn meal	1909
Davies, K. M., Co., Inc.:		Haxton Canning Co.:	
peas, canned	1985	corn, canned	1977
Delapenha, R. U., & Co., Inc.:		Hickman & Sterling:	
jams	2050	oysters	1946
De Luxe Products Co.:		Hillman Cookie Co.:	
olive oil	2082	cookies	1915
De Soto Creamery & Produce Co.:		Hills Bros. Co.:	
eggs, frozen	1941	dates	2054
Dick, C. L., & Co.:		Hoffman, John, & Sons Co.:	
apricots, dried	2053	olive oil	2077
Draper & Co., Inc.:		Hollister Canning Co.:	
peas, canned	1988	tomato paste	2028, 2029
Eastern Shore Canning Co.:		Houston Packing Co.:	
peas, canned	1993	butter	1922
Edwards, M. E.:		Hudson-Duncan & Co., Inc.:	
bust developer	2096	tomato puree	2036
Elga Laboratories:		Humboldt Canning Co.:	
bust developer	2096	tomatoes, canned	2009
Ellis Canning Co.:		Italian Fruit Caramel Co.:	
tomato catsup	2027	candy	2093
Elzea, W. W., Inc.:		Jackson, B. H. See Jackson Broker-	
butter	1927	age Co., Ind.	
Empire Freight Co.:		Jackson Brokerage Co., Inc.:	
tomato sauce	2043	peas, canned	1985
Eugene Fruit Growers Assoc.:		Jersey Creamery:	
corn, canned	1980	butter	1919
Fall Creek Canning Co.:		Joannes Bros. Co.:	
tomato puree	2035	olive oil	2077
Farmers Cooperative Creamery Assoc.:		June Dairy Products Co., Inc.:	
butter	1925	butter	1933, 1937
Farmers Equity Co-Op. Creamery		Kale, C. S., Canning Co.:	
Assoc.:		cherries, canned	1963
butter	1926	Kasco Mills:	
Farmers Mutual Cooperative Cream-		corn meal	1910
ery:		Kentucky Macaroni Co.:	
butter	1927	spaghetti	1913
Fettig Canning Corporation:		Kern Food Products, Inc.:	
tomato catsup	2019	chili sauce	2045
Finley Creamery Co.:		tomato catsup	2015
butter	1928	Keyser Ridge Creamery Co.:	
First National Stores:		butter	1931
butter	1929	Knox Pickle & Preserving Works:	
Fisher, John, Pecan Co.:		tomato puree	2037
pecans	2068	Kramer, J. R., Inc.:	
Flat Rock Canning Co.:		butter	1920, 1928
corn, canned	1982	Ladoga Canning Co.:	
Florida Fruit Cannery, Inc.:		tomato puree	2038
grapefruit, canned	1960	Lake Erie Canning Co.:	
Foote, D. E., & Co., Inc.:		tomato catsup and puree	2021
peas, canned	1990	Lakeside Packing Co.:	
Fort Worth Poultry & Egg Co., Inc.:		peas, canned	1996
eggs, frozen	1942	Langdon Creamery:	
Fox Bros. Co.:		butter	1932
spinach, canned	1969	Larsen Co.:	
Frazier Packing Corporation:		beets, canned	1974
tomato catsup	2020	LaSalle Manufacturing Co.:	
Geneva Preserving Co.:		vanilla flavor	2094
corn, canned	1983		



	N. J. No.		N. J. No.
Leggett, Francis H., & Co.:		Olson, H. D.:	
tomato catsup	2019	tomato juice	2007
Lindsay-Nile Products, Inc.:		tomatoes, canned	2007
beet juice	1906	Olson, H. D., & Sons:	
carrot juice	1906	tomato puree	2001
Lindsay Ripe Olive Co.:		Olympia Canning Co.:	
olive oil	2080	huckleberries, canned	1958
Loomis & Willson Co.:		Ortega, E. C., & Co.:	
tomato catsup	2026	pepper and tomato juice	1907
Loudon Packing Co.:		Pacific Food Products Co.:	
tomato catsup	2022	apple butter	2049
Louis, S. L.:		Pacific Fruit & Produce Co.:	
crab meat	1945	tomato catsup	2025
Louisiana Blue Crab Distributors, Inc.:		Pacific Grape Products Co.:	
crab meat	1945	fruits for salad, canned	1959
Mankowitz, M. C.:		Pacific Packing Co.:	
peas, canned	1985	Gyu Matsu	2064
Mankowitz, Samuel:		Parrott & Co.:	
peas, canned	1985	tomato puree	2040
Manteca Canning Co.:		sauce	2044
tomato paste	2030	tomatoes, canned	2013
Maple Island Farms:		Parrott, W. B., Co.:	
butter	1933	poultry	2063
Marshall Canning Co.:		Paulus Bros. Packing Co.:	
corn, canned	1984	green beans, canned	1971
spaghetti	1912	Pepper, Homer:	
succotash, canned	2000	poultry	2059
tomato puree	2039	Perry Canning Co.:	
Martin Candy Co.:		cherries, canned	1965
candy	2087	tomato catsup and puree	2002
McCormick, Ed. Canning Co.:		Phillips, M., Co.:	
tomatoes, canned	2010	walnut meats	2072
McCoy Canned Food Co.:		Phillips Packing Co., Inc.:	
peas, canned	1986	beans, canned	1970
McGrath, H. J., Co.:		Pick, Emil:	
tomato paste	2031	cacao beans	2099
Merchants Wholesale Grocery Co.:		Plantation Extract Corporation:	
Nu-Olive Spread	2051	vanilla extract	2095
Meyer Brokerage Co.:		Pleasant Grove Canning Co.:	
tomato catsup	2027	cherries, canned	1966
Midfield Packers:		tomato catsup	2003
blackberries, canned	1956	Portland Packing Co.:-	
huckleberries, canned	1957	corn, canned	1981
Midland Canning Corporation:		Pretlow Peanut Co.:	
corn, canned	1978	peanuts	2067
Mid-West Food Packers, Inc.:		Price Creamery Co.:	
tomato catsup	2023	butter	1937
Mills, Charles:		Producers Peanut Co., Inc.:	
peas, canned	1993	peanut butter	2074
Minnesota Consolidated Canneries, Inc.:		Rapidan Supply Co.:	
corn, canned	1976	corn meal	1911
Minnesota Dairy:		Red Line Commercial Co., Inc.:	
butter	1934	Brazil nuts	2065
Moffett, S. A., Co.:		Red Wing Co., Inc.:	
huckleberries, frozen	2055	tomato catsup	2026
Moore McCormack Lines, Inc.:		Richmond Candy Manufacturing Co.:	
coffee	1901	candy	2089
Morgan Packing Co.:		Roberts, Thos., & Co.:	
tomato catsup	2018, 2024	peas, canned	1989
paste	2024	Roberts, W. H., & Co.:	
Nash-Finch Co.:		peas, canned	1992
cherries, canned	1964	Robertson Peanut Co.:	
National Retailer-Owned Grocers, Inc.:		peanut butter	2076
tomato catsup	2004	Rosen Brokerage Co.:	
tomatoes, canned	2011	corn, canned	1979
National Specialty Co.:		Roundup Grocery Co.:	
olive oil	2083	tomato puree	2001
North American Creameries, Inc.:		Royal Canning Corporation:	
butter	1935	catsup	2016
Northern Creamery Co.:		Rykoff, S. E., & Co.:	
butter	1921	vanilla extract	2095
Nowak Mills, Inc.:		Sahn, Samuel:	
Dry-Clo "400"	1917	poultry	2059
Nuspred Foods Co.:		Sampson Canning Co.:	
Nu-Olive Spread	2051	green beans, canned	1972
Nye & Nissen, Inc.:		Santa Anita Food Corporation:	
butter	1936	tomato sauce	2042
Oconomowoc Canning Co.:		tomatoes, canned	2006
peas, canned	1998	Saukville Canning Co.:	
Oliver-Finnie Co.:		tomato juice	1908
candy	2088	Saulsbury Bros., Inc.:	
Olmito Packing Co.:		peas, canned	1989
grapefruit juice	1903	Seiter, E. A. See Seiter's, Inc.	
Olney & Carpenter, Inc.:		Seiter's, Inc.:	
tomatoes, canned	2014	tomato catsup	2004
		Sessions Co., Inc.:	
		peanut butter	2075



	N. J. No.		N. J. No.
Shores Co.:		Tolson Davies Co.:	
Shores Ka-Vi-Min Tablets-----	2097	grapefruit juice-----	1904
Sisk, A. W., & Son:		Tosto Foods, Inc.:	
peas, canned-----	1993	corn chips-----	1916
Sisk, Albert W., & Son:		Turtle Lake Cooperative Creamery	
tomatoes, canned-----	2012	Assoc.:	
Slade Gorton Co.:		butter-----	1939
perch, frozen-----	1952	Uddo Taormina Corporation:	
Smith, E. M.:		tomato paste-----	2033
tomatoes, canned-----	2011	puree-----	2041
Smith, Lynden & Co.:		Union Premier Food Stores:	
cherries, canned-----	1961	sauerkraut, canned-----	1999
Sokol & Co.:		Val Vita Food Products, Inc.:	
onion powder-----	2100	tomato catsup-----	2017
Southern Shell Fish Co.:		Voneiff-Drayer Co.:	
oysters, canned-----	1949	candy-----	2090
Southland Pecan Co., Inc.:		Wadhams & Co.:	
pecans-----	2071	tomato catsup-----	2004
walnuts, black-----	2071	Waldbaum, S. & W., Inc.:	
Spinelli & G. Schiavo:		butter-----	1927
tomato paste-----	2032	Ward Oyster Co.:	
Spokane Valley Canning Co.:		oysters-----	1947
cherries, canned-----	1967	Washington Cooperative Egg & Poul-	
Spring Valley Butter Co.:		try Assoc.:	
butter-----	1920	eggs, frozen-----	1943
Springer, Frank:		Waupun Canning Co.:	
pecans-----	2069	peas, canned-----	1994
Squirt Co.:		Webster, G. L., Co., Inc.:	
Squirt (grapefruit flavor)-----	1905	peas, canned-----	1987
Stanchfield Creamery Co.:		Weems Seafood Co.:	
butter-----	1938	oysters-----	1948
Stayton Canning Co. Cooperative:		West, Helen:	
cherries, canned-----	1961, 1968	poultry-----	2059
Stinson Canning Co.:		Wilkins, John H., Co.:	
sardines, canned-----	1955	tea-----	1902
Stockton Food Products, Inc.:		Williams, S. L., Co., Inc.:	
hot sauce-----	2046	candy-----	2091
Summers, Charles G., Jr., Inc.:		Wilson & Co.:	
wax beans, canned-----	1973	eggs, frozen-----	1944
Sunrise Packing Co.:		poultry-----	2060, 2061, 2063
mackerel, canned-----	1951	Wilson, Frank M., Co.:	
Sunshine Pecan Co.:		peas, canned-----	1997
pecan pieces-----	2070	Woods Cross Canning Co.:	
Superior Food Products, Inc.:		cherries, canned-----	1962
spaghetti, canned-----	1914	Zenith-Godley Co.:	
Sutter Packing Co.:		butter-----	1924, 1932
hot sauce-----	2047	Zimmer & Dunkak, Inc.:	
Texas Peanut Products Co., Inc.:		butter-----	1934
peanut butter-----	<sup>1</sup> 2073	Zion Baking & Candy Industries:	
		candy-----	2092

<sup>1</sup> Prosecution contested.







FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

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JUN 4 1942

U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

2101-2300

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, Administrator, Federal Security Agency.

WASHINGTON, D. C., February 21, 1942.

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BEVERAGES AND BEVERAGE MATERIALS

FRUIT JUICES

2101. Adulteration and misbranding of grapefruit juice and grapefruit and orange juiec. U. S. v. 856 Cases of Grapefruit Juice and 298 Cases and 286 Cases of Grapefruit and Orange Juice. Default decrees of condemnation and destruction. (F. D. C. Nos. 4829, 4853. Sample Nos. 58198-E, 58202-E, 58204-E.)

Examination of these products disclosed the presence of insect fragments, eggs, and larvae. Furthermore, the labeling of portions bore false and misleading health claims and falsely represented that the products had been canned under sanitary conditions.

On or about May 27 and June 5, 1941, the United States attorney for the Northern District of Iowa filed libels against 856 cases, each containing 12 cans, of grapefruit juice and 584 cases, each containing 24 cans, of grapefruit and orange juice at Cedar Rapids, Iowa, alleging that the articles had been shipped in interstate commerce on or about February 5, March 10, and May 1, 1941, by the Hidalgo County Citrus Association from San Carlos, Tex.; and charging that they were adulterated and misbranded. They were labeled in part: (Grapefruit juice, cans) "Tropic Sweet Brand Texas Unsweetened Grapefruit Juice, Contents 1 Qt. 14 Fluid Oz.," and (grapefruit and orange juice,



cans) "Tropic Sweet Brand Texas Sugar-Added Grapefruit and Orange Juice, Contents 1 Pt. 2 Fluid Oz."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The grapefruit juice and a portion of the grapefruit and orange juice were alleged to be misbranded in that the statement "Canned by a scientific and sanitary process which is highly efficient in conserving the health-giving vitamin and mineral elements while at the same time conserving its fresh fruit flavor" was false and misleading since it was not canned by a sanitary process and could not be depended upon to give or restore health.

On July 22, 1941, the Hidalgo County Citrus Association having filed claims but having failed to answer or plead further and being in default, judgments of condemnation were entered and the products were ordered destroyed.

**2102. Adulteration of grapefruit juice. U. S. v. 83 Cases of Grapefruit Juice. Default decree of destruction. (F. D. C. No. 4945. Sample No. 58043-E.)**

Examination showed that this product contained insect eggs and larvae.

On June 17, 1941, the United States attorney for the District of Minnesota filed a libel against 83 cases, each containing 12 cans, of grapefruit juice at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about January 28, 1941, by Shary Products Co. from Val Verde, Tex.; and charging that it was adulterated. It was labeled in part: (Cans) "Suresweet Texas Grapefruit Juice Net Contents 1 Qt. 14 Fl. Oz. Unsweetened."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 8, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2103. Adulteration of canned lemon juice. U. S. v. 24 Cases and 54 Cans of Lemon Juice. Default decree of condemnation and destruction. (F. D. C. No. 4796. Sample No. 32783-E.)**

Examination showed that this product contained enamel lining from the container.

On May 20, 1941, the United States attorney for the District of Maryland filed a libel against 24 cases, each containing 12 cans, and 54 loose cans of lemon juice at Baltimore, Md., alleging that the article had been shipped on or about March 20, 1941, by Empire Freight Co. from Los Angeles, Calif.; and charging that it was adulterated. It was labeled in part: (Cases) "Golden Flow Brand Pure Foods Corp. Los Angeles, Calif."

The article was alleged to be adulterated in that a substance, lemon juice containing enamel lining from the container, had been substituted wholly or in part for lemon juice, which it purported to be.

On June 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2104. Misbranding of tomato juice. U. S. v. 32 Cases of Tomato Juice. Default decree of destruction. (F. D. C. No. 5144. Sample No. 50256-E.)**

This product was short of the declared volume.

On July 17, 1941, the United States attorney for the Northern District of West Virginia filed a libel against 32 cases, each containing 24 cans, of tomato juice at Fairmont, W. Va., alleging that the article had been shipped on or about March 10, 1941, by the Keystone Cooperative Grape Association from North East, Pa.; and charging that it was misbranded. It was labeled in part: (Can) "North East Tomato Juice."

The article was alleged to be misbranded in that the statement "Contents 1 Pt. 4 Fl. Oz." was false and misleading as applied to an article that was short volume; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On August 26, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

## CEREAL PRODUCTS

### FLOUR

Nos. 2105 to 2142 (except 2128) report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate com-



merce at the time of examination, at which time it was found to be insect-infested. In most instances the time of infestation was not determined.

**2105. Adulteration of flour. U. S. v. 130 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 5184. Sample No. 49424-E.)

On July 22, 1941, the United States attorney for the Southern District of Texas filed a libel against 130 bags of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about December 28, 1940, by the Alva Roller Mills from Alva, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Honey Bee Flour."

On September 4, 1941, the Alva Roller Mills having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of for purposes other than human consumption.

**2106. Adulteration of flour. U. S. v. 218 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 2996. Sample Nos. 15803-E, 15804-E.)

On September 17, 1940, the United States attorney for the Western District of Arkansas filed a libel against 218 sacks of flour at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce on or about April 24 and July 17, 1940, by the Blair Milling Co. from Atchison, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bleached \* \* \* Blair's Snow White High Patent Flour."

On August 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2107. Adulteration of flour. U. S. v. 34 Bags and 75 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4978, 5099. Sample Nos. 37868-E, 48158-E.)

On or about June 23 and July 17, 1941, the United States attorneys for the Northern District of Florida and the Middle District of Georgia filed libels against 34 bags of flour at Marianna, Fla., and 75 bags of flour at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about November 23, 1940, and June 21, 1941, by the Blish Milling Co. from Louisville, Ky., and Seymour, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Honey Boy Flour Bleached"; or "Velvet Self-Rising Flour 24 Lbs. Net."

On August 21 and September 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2108. Adulteration of flour. U. S. v. 30 Bags and 6 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5215. Sample No. 37671-E.)

On July 28, 1941, the United States attorney for the Southern District of Georgia filed a libel against 30 48-pound bags and 6 96-pound bags of flour at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about May 26, 1941, by the Caldwell Flour Mills Co. from Caldwell, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Self-Rising \* \* \* Bleached Flour of Idaho."

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2109. Adulteration of flour. U. S. v. 515 10-Pound Bags and 332 20-Pound Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5009. Sample Nos. 37870-E, 37871-E, 48146-E.)

This product not only was insect-infested, but one lot also contained rodent hairs and excreta.

On July 2, 1941, the United States attorney for the Southern District of Florida filed a libel against 515 10-pound bags and 332 20-pound bags of flour at Ocala, Fla., alleging that the article had been shipped on or about January 22, March 21, and April 20, 1941, by the H. C. Cole Milling Co. from Chester, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Self-Rising White Ring Flour," "White Ring Flour," or "Omega Pure Soft Wheat Flour."



On August 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2110. Adulteration of flour. U. S. v. 296 Bags and 264 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond.** (F. D. C. Nos. 5335, 5341. Sample Nos. 964-E to 967-E, incl., 970-E to 974-E, incl.)

On August 7 and 8, 1941, the United States attorney for the Middle District of Georgia filed libels against 385 48-pound bags, 137 24-pound bags, and 38 12-pound bags of flour at Royston, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about April 25, 1940, to on or about June 26, 1941, by the Colonial Milling Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part variously: "White King Flour"; "White King Self-Rising Flour"; "Plain [or "Self-Rising"] Flour Silver Ray"; "Standard [or "Fancy"] Patent Flour Don't Miss \* \* \*"; "Polly Rich You Knead It Flour \* \* \* Self-Rising"; "Self-Rising Flour Sunday Biscuit"; and "Mi-Lady Plain Fancy Patent Flour."

On September 15, 1941, the Colonial Milling Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law. It was denatured and disposed of as animal feed.

**2111. Adulteration of flour. U. S. v. 15 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5145. Sample No. 49427-E.)

On July 14, 1941, the United States attorney for the Southern District of Texas filed a libel against 15 bags of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about April 1, 1941, by the Dobry Flour Mills, Inc., from Yukon, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sacks) "Dobry's Much-More Flour 98 Lbs."

On August 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2112. Adulteration of flour. U. S. v. 38 Bags of Flour. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 5324. Sample No. 47393-E.)

On or about August 13, 1941, the United States attorney for the Northern District of Illinois filed a libel against 38 bags of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 11, 1941, by the H. C. Erwin Co. from St. Cloud, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Tag) "Second Clear 140#."

On August 28, 1941, Pivaronas Bros., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be disposed of for uses other than human consumption.

**2113. Adulteration of flour. U. S. v. 137 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5206. Sample No. 48170-E.)

On July 22, 1941, the United States attorney for the Southern District of Georgia filed a libel against 137 bags of flour at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about March 28, 1941, by the Fuhrer-Ford Milling Co. from Mount Vernon, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Golden Rose Self-Rising Flour."

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2114. Adulteration of flour. U. S. v. 7 Barrels of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5185. Sample No. 49426-E.)

On July 22, 1941, the United States attorney for the Southern District of Texas filed a libel against 7 barrels of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 27, 1941, by the Griffith Laboratories from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Coarse Golden Cereal Binder. \* \* \* Net 300."



An August 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2115. Adulteration of flour. U. S. v. 51 Bags and 216 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5078, 5273. Sample Nos. 37880-E, 49684-E.)

On July 31 and August 4, 1941, the United States attorneys for the Northern District of Alabama and the Northern District of Florida filed libels against 216 bags of flour at Anniston, Ala., and 51 bags of flour at Marianna, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about May 7, 1940, to on or about February 3, 1941, by Hanover Star Milling Co. from Germantown, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "12 Lbs. Bleached Cherry Blossom Self Rising [or "Plain"] Flour"; or "12 Lbs. \* \* \* Silver Plume Flour."

On September 22 and 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2116. Adulteration of flour. U. S. v. 140 Bags of Flour. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 5363. Sample No. 47394-E.)

On or about August 20, 1941, the United States attorney for the Northern District of Illinois filed a libel against 140 bags, each containing 140 pounds, of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 9, 1941, by the Hubbard Milling Co. from Mankato, Minn.; and charging that it was adulterated. The article was labeled in part: (Tag) "Otsggo Flour Bleached."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On August 28, 1941, Pivaronas Bros., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be disposed of for purposes other than human consumption.

**2117. Adulteration of flour. U. S. v. 62 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5194. Sample No. 37665-E.)

On July 22, 1941, the United States attorney for the Southern District of Georgia filed a libel against 62 bags of flour at Swainsboro, Ga., alleging that the article had been shipped in interstate commerce on or about May 17, 1941, by the Indiana Flour Co., Inc., from Charleston, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Igleheart's Tender Flake Self-Rising Flour."

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2118. Adulteration of flour. U. S. v. 80 Bags of Flour. Consent decree of condemnation. Product denatured and disposed of for animal feed.** (F. D. C. No. 5276. Sample No. 48064-E.)

On August 1, 1941, the United States attorney for the Southern District of Florida filed a libel against 80 bags of flour at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about June 9, 1941, by the International Milling Co. from Davenport, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Bags) "98 Lbs. Seal of Minnesota."

On August 4, 1941, the Freeman Noblitt Co., Tampa, Fla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed or disposed of in compliance with the law. It was denatured and disposed of for animal feed.

**2119. Adulteration of flour. U. S. v. 138, 56, and 64 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5651. Sample Nos. 67417-E, 67418-E, 67419-E.)

On or about September 25, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 202 48-pound bags and 56 24-pound bags of flour at Benton, Ark., which had been consigned by the Ismert-Hincke Milling Co., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, from Topeka, Kans.; and charging that it was adulter-



ated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance or was otherwise unfit for food. The article was labeled in part: "Silver Sales [or "Bleached White Dough"] \* \* \* Patent Flour."

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2120. Adulteration of flour. U. S. v. 439 Sacks and 32 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5108, 5263. Sample Nos. 37881-E, 48155-E to 48157-E, incl., 59237-E.)

In addition to being insect-infested, a portion of this product also contained rodent excreta.

On or about July 23 and on August 5, 1941, the United States attorneys for the Northern District of Florida and the Eastern District of North Carolina filed libels against 166 6-pound, 254 12-pound, and 19 24-pound sacks of flour at Marianna, Fla.; and 32 48-pound bags of flour at Elizabeth City, N. C., alleging that the article had been shipped in interstate commerce on or about October 15, 1940, and February 11, 1941, by the Kansas Milling Co. from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Flaky Biscuit Flour"; "Silk Floss \* \* \* Self Rising Flour"; "Clover Leaf Flour \* \* \* Self-Rising"; or "Yellow Star Fancy Soft Wheat Flour Bleached \* \* \* Self-Rising."

On September 22 and 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2121. Adulteration of flour. U. S. v. 12 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5409. Sample No. 48511-E.)

On August 21, 1941, the United States attorney for the Northern District of Georgia filed a libel against 12 bags of flour at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 15, 1941, by the Mennel Milling Co. from Toledo, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Tags) "98 Pounds F. S. Special Flour Bleached."

On September 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2122. Adulteration of flour. U. S. v. 54 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5160. Sample No. 47375-E.)

On July 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 54 bags of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1940, by the Midland Flour Milling Co. from North Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "48 Lbs. Bleached Kitchen Favorite Hard Wheat Flour."

On September 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2123. Adulteration of flour. U. S. v. 250 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond for conversion into animal feed.** (F. D. C. No. 6034. Sample No. 61091-E.)

On October 17, 1941, the United States attorney for the Western District of Washington filed a libel against 250 sacks of flour at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 22 and 27, 1941, by the Montana Flour Mills Co. from Great Falls, Mont.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Isis Flour Bleached."

On October 29, 1941, Montana Flour Mills Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into animal feed under the supervision of the Food and Drug Administration.

**2124. Adulteration of flour. U. S. v. 3 Bags and 15 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5686. Sample Nos. 48903-E, 48904-E.)

On or about September 15, 1941, the United States attorney for the Northern District of Georgia filed a libel against 18 bags of flour at Cornelia, Ga., alleging that the article had been shipped on or about March 28, 1941, by Mero Mills from Nashville, Tenn.; and charging that it was adulterated in that it consisted in



whole or in part of a filthy substance. It was labeled in part: "Polkadot [or " '61' Self-Rising"] Flour 48 Lbs."

On October 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2125. Adulteration of flour. U. S. v. 42 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5188. Sample No. 37346-E.)

On or about July 28, 1941, the United States attorney for the Southern District of Florida filed a libel against 42 bags of flour at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about May 19 and June 14, 1941, by the Morten Milling Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Mortens Nu-Day Whole Wheat Flour \* \* \* Bleached, 98 Lbs."

On August 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2126. Adulteration of flour. U. S. v. 18, 115, and 36 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5205, 5443. Sample Nos. 37670-E, 48287-E.)

On July 22 and August 26, 1941, the United States attorneys for the Southern and the Northern Districts of Georgia filed libels against 18 24-pound bags and 115 48-pound bags of flour at Augusta, Ga., and 36 24-pound bags of flour at La Grange, Ga., alleging that the article had been shipped in interstate commerce on or about April 24 and May 16 and 26, 1941, by the Nashville Roller Mills Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Good Morning Self-Rising Flour" or "Moneysworth Self-Rising Flour."

On September 23 and 27, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2127. Adulteration of flour. U. S. v. 35 and 16 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5062. Sample No. 37877-E.)

On or about July 17, 1941, the United States attorney for the Northern District of Florida filed a libel against 35 24-pound bags and 16 48-pound bags of flour at Tallahassee, Fla., alleging that the article had been shipped in interstate commerce on or about April 16, 1941, by the Randolph Milling Co. from Ava, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Happy Lady Extra Fancy Plain Flour."

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2128. Adulteration of flour. U. S. v. 56 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5165. Sample No. 53168-E.)

This product had been shipped in interstate commerce and when examined was found to contain rodent excreta and other evidence of rat infestation. The place in which it had been stored subsequent to shipment was rat-infested.

On July 15, 1941, the United States attorney for the Southern District of California filed a libel against 56 98-pound sacks of flour at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 30, 1941, by the Royal Milling Co. from Great Falls, Mont.; and charging that it was adulterated. The article was labeled in part: (Sacks) "Diamond High Gluten Montana Flour."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On August 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2129. Adulteration of flour. U. S. v. 124 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5107. Sample No. 78161-E.)

On or about July 17, 1941, the United States attorney for the Northern District of Florida filed a libel against 124 bags of flour at Panama City, Fla., alleging that the article had been shipped in interstate commerce on or about July 16, 1940, by the Russell-Miller Milling Co. from Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a



filthy substance. The article was labeled in part: "98 Lbs. White Spray Flour Bleached."

On September 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2130. Adulteration of flour. U. S. v. 84 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 4905. Sample No. 49187-E.)

On June 11, 1941, the United States attorney for the Southern District of Texas filed a libel against 84 bags of flour at Weslaco, Tex., alleging that the article had been shipped on or about May 3, 1941, by Shawnee Milling Co. from Shawnee, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "98 Lbs. Net Bleached Flour Pan Buster."

On July 23, 1941, A. L. Johnston, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured under the supervision of the Food and Drug Administration by adding thereto 1 percent lamp black.

**2131. Adulteration of flour. U. S. v. 17 and 16 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5044. Sample No. 48149-E.)

On July 1, 1941, the United States attorney for the Middle District of Georgia filed a libel against 17 24-pound bags and 16 12-pound bags of flour at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about March 2 and April 22, 1941, by J. Allen Smith & Co. from Knoxville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "White Lily Self-Rising Flour."

On August 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2132. Adulteration of flour. U. S. v. 25 and 50 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5045. Sample No. 37872-E.)

On July 1, 1941, the United States attorney for the Middle District of Georgia filed a libel against 25 48-pound bags and 50 12-pound bags of flour at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about April 14, 1941, by the G. B. R. Smith Milling Co. from Sherman, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached \* \* \* Big 4 Flour."

On August 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2133. Adulteration of flour. U. S. v. 84 and 28 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5223. Sample Nos. 37896-E, 37897-E.)

On July 24, 1941, the United States attorney for the Middle District of Georgia filed a libel against 84 24-pound bags and 28 48-pound bags of flour at Thomasville, Ga., alleging that the article had been shipped in interstate commerce on or about May 6 and May 12, 1941, by the Snell Milling Co., Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Burgundy Rose Self-Rising Flour Bleached."

On August 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2134. Adulteration of flour. U. S. v. 18 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5013. Sample No. 48145-E.)

On June 26, 1941, the United States attorney for the Middle District of Georgia filed a libel against 18 bags of flour at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about December 9, 1940, by the Stanard-Tilton Milling Co. from Alton, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "American Beauty Self-Rising Flour."

On August 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2135. Adulteration of flour. U. S. v. 69 Bags and 96 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5233, 5464. Sample Nos. 54135-E, 67401-E, 67402-E.)

On August 1 and 27, 1941, the United States attorneys for the Eastern District of Pennsylvania and the Eastern District of Arkansas filed libels against 69 bags of flour at Philadelphia, Pa., and 96 bags of flour at North Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about April 2 and July 5, 1941, by the Standard Milling Co. from Chicago, Ill., and Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "98 Lbs. Net Pie Special Flour Bleached"; "Red Turk Flour"; or "Bread King Flour \* \* \* 98 Lbs."

On September 8 and 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2136. Adulteration of flour. U. S. v. 234 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 5183. Sample No. 47376-E.)

This product was insect-infested and in addition had been stored under insanitary conditions as the result of which the bags were dirty and many were caked with flour and covered with mold.

On July 22, 1941, the United States attorney for the Northern District of Illinois filed a libel against 234 sacks of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 27, 1941, by the Wall Rogalsky Milling Co. from McPherson, Kans.; and charging that it was adulterated. The article was labeled in part: (Sacks) "140 Lbs. Kansas Sun Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance; and in that it had become contaminated with filth.

On August 15, 1941, the Imperial Baking Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and disposed of only for nonfood purposes.

**2137. Adulteration of flour. U. S. v. 73 and 96 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5135. Sample No. 37883-E.)

On or about July 17, 1941, the United States attorney for the Northern District of Florida filed a libel against 73 12-pound bags and 96 24-pound bags of flour at Bonifay, Fla., alleging that the article had been shipped in interstate commerce on or about April 8, 1941, by the Washburn-Crosby Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "12 [or "24"] Lbs. Prestige Flour Bleached."

On September 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2138. Adulteration of flour. U. S. v. 19 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5186. Sample No. 49431-E.)

On July 22, 1941, the United States attorney for the Southern District of Texas filed a libel against 19 bags of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about April 28, 1941, by the Centennial Flouring Mills Co. from Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Bags) "Centennial's Pastry Flour."

On August 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2139. Adulteration of whole wheat flour. U. S. v. 230 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be remanufactured and relabeled.** (F. D. C. No. 5245. Sample No. 25731-E.)

On July 31, 1941, the United States attorney for the Southern District of Alabama filed a libel against 230 bags of flour at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about April 29, 1941, by Washburn Crosby Co. from Wichita, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Bags) "King Whole Wheat Flour 98 Lbs."



On August 8, 1941, Malbis Bakery Co., Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be manufactured into hog feed and relabeled under the supervision of the Food and Drug Administration.

**2140. Adulteration of rye graham flour. U. S. v. 65 Bags of Rye Graham Flour (and 4 other seizure actions against rye graham flour). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4995, 4996, 4997, 5298, 5832. Sample Nos. 69529-E, 69530-E, 69532-E, 69585-E, 74506-E.)

On June 26, August 5, and September 25, 1941, the United States attorney for the Southern District of New York filed libels against 155 bags of rye graham flour at New York, N. Y., alleging that the article had been shipped within the period from on or about April 22 to on or about August 12, 1941, by A. Katz, Etra Mills, Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "98 Lbs. Net."

On July 18, September 10, and October 18, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2141. Adulteration of rye flour. U. S. v. 18 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5207. Sample No. 47377-E.)

On July 25, 1941, the United States attorney for the Northern District of Illinois filed a libel against 18 bags of flour at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 27, 1941, by the Gadow Milling Co. from Barton, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Pure Dark Rye Flour 98 Lbs. Net."

On August 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2142. Adulteration of flour and corn meal. U. S. v. 73 Bags of Flour and 22 Bags of Corn Meal. Consent decree of condemnation. Products ordered released under bond.** (F. D. C. No. 5364. Sample No. 47395-E.)

On or about August 20, 1941, the United States attorney for the Northern District of Illinois filed a libel against 69 140-pound bags and 4 98-pound bags of flour and 22 100-pound bags of corn meal at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about June 20 and 27, 1941, by the Eagle Roller Mill Co. from New Ulm, Minn.; and charging that they were adulterated. The articles were labeled in part: "Blizzard Flour"; "Pure Med. Rye"; "Gold Coin Whole Wheat Flour"; or "Gold Coin White Corn Meal."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

On August 28, 1941, Pivaronas Bros., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be disposed of for uses other than human consumption.

#### CORN MEAL <sup>1</sup>

**2143. Adulteration and misbranding of corn meal. U. S. v. Eelbeck Milling Co. and Clifford R. Mehaffey. Pleas of nolo contendere. Corporation fined \$500 on Count I. Clifford R. Mehaffey placed on probation for a period of 5 years.** (F. D. C. No. 4115. Sample Nos. 20451-E, 20857-E.)

This case involved shipments of corn meal which was found to contain rodent excreta, rodent hairs, and fragments of insects.

On June 6, 1941, the United States attorney for the Middle District of Georgia filed an information against the Eelbeck Milling Co., a corporation, Omaha, Ga., and Clifford R. Mehaffey, alleging shipment on or about August 23 and 27, 1940, from the State of Georgia into the State of Florida of quantities of corn meal which was adulterated in that it consisted in whole or in part of a filthy substance.

On September 13, 1941, pleas of nolo contendere having been entered, the court sentenced the corporation to pay a fine of \$500 and placed the individual defendant on probation for a period of 5 years.

<sup>1</sup> See also No. 2142.



**2144. Adulteration of corn meal. U. S. v. 130 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond for denaturing for use as animal food.** (F. D. C. No. 5379. Sample No. 48068-E.)

This product contained whole insects, larvae, and insect fragments.

On August 16, 1941, the United States attorney for the Southern District of Florida filed a libel against 130 unlabeled bags of corn meal at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about August 5, 1941, by the Eelbeck Milling Co. from Omaha, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 21, 1941, the Eelbeck Milling Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reconditioning and disposition as animal feed.

**2145. Adulteration of corn meal. U. S. v. 107 and 13 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 5077. Sample No. 5370-E.)

This product contained rodent excreta and rodent hairs.

On July 5, 1941, the United States attorney for the Eastern District of Tennessee filed a libel against a total of 120 bags of corn meal at Jellico, Tenn., alleging that the article had been shipped in interstate commerce on or about June 20, 1941, by the Burnside Milling Co. from Burnside, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Perfection Corn Meal."

On July 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2146. Adulteration of cream meal. U. S. v. 650 Bags of Cream Meal. Default decree of destruction.** (F. D. C. No. 4946. Sample No. 29686-E.)

Examination showed that this product contained rodent excreta.

On June 16, 1941, the United States attorney for the Western District of Kentucky filed a libel against 650 bags, each containing 3 pounds, of cream meal at Louisville, Ky., alleging that the article had been shipped on or about May 26, 1941, by Farmers Cooperative Elevator Co. from Seymour, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Apex Cream Meal."

On July 24, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2147. Adulteration of corn meal. U. S. v. 191 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 5227. Sample No. 49196-E.)

This product was insect-infested and contained rodent hairs, rodent excreta, and insect fragments.

On July 25, 1941, the United States attorney for the Middle District of Alabama filed a libel against 191 bags of corn meal at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about May 16 and 27, 1941, by the Mountain City Mill Co., Inc., from Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Prize Winner Old Style Unbolted \* \* \* Corn Meal."

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2148. Adulteration of corn meal. U. S. v. 20 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 5076. Sample No. 48154-E.)

This product contained rodent hairs and excreta, and insect fragments and larvae.

On or about July 9, 1941, the United States attorney for the Northern District of Florida filed a libel against 20 bags of corn meal at Quincy, Fla., alleging that the article had been shipped in interstate commerce on or about May 2, 1941, by Smith Bag & Milling Co. from Bainbridge, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Smith's Old Fashion Water Ground Corn Meal."

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2149. Adulteration of corn meal. U. S. v. 53 Sacks of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be denatured by adding lamp black thereto and not to be disposed of contrary to law. (F. D. C. No. 5138. Sample No. 49425-E.)**

This product contained rodent hairs and excreta and insect hairs and larvae.

On July 12, 1941, the United States attorney for the Southern District of Texas filed a libel against 53 sacks of corn meal at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about April 29, 1941, by Staley Milling Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "White Deer Cream Meal."

On August 21, 1941, Park Benjamin, II, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured by adding lamp black to it so that it could not be disposed of for human consumption.

#### MISCELLANEOUS

**2150. Adulteration of rice. U. S. v. 50 Sacks of Rice. Default decree of destruction. (F. D. C. No. 4732. Sample No. 43420-E.)**

Examination showed that this product contained rodent excreta. The sacks in which it was packed had been torn and gnawed by rats and contained an accumulation of rat pellets and bird droppings. The contamination occurred in the warehouse after shipment.

On or about May 17, 1941, the United States attorney for the Western District of Missouri filed a libel against 50 sacks of rice at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 28, 1941 (correct date apparently was September 13, 1940), by Smith Rice Mill Co. from DeWitt, Ark.; and charging that it was adulterated. It was labeled in part: "Smith Uncoated Rice 100 lbs Net."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On June 27, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2151. Adulteration of spaghetti, macaroni, egg noodles, rolled oats, and mill oats. U. S. v. 69 Cases of Spaghetti, 59 Cases of Macaroni, 95 Cases of Egg Noodles, 52 Cases of Rolled Oats, and 178 Cases of Cream of the Mill Oats. Consent decree of condemnation. Products ordered released under bond for salvaging. (F. D. C. No. 5171. Sample Nos. 31194-E to 31198-E, incl.)**

These products consisted of fire- and water-damaged merchandise. Examination showed that they contained mold.

On July 21, 1941, the United States attorney for the Northern District of Illinois filed a libel against 69 cases of spaghetti, 59 cases of macaroni, 95 cases of egg noodles, 52 cases of rolled oats, and 178 cases of mill oats at Chicago, Ill., alleging that the articles had been shipped in interstate commerce within the period from on or about May 22 to on or about June 13, 1941, by the Underwriters Salvage Co. from Evansville, Ind.; and charging that they were adulterated in that they consisted in whole or in part of filthy and decomposed substances. The articles were labeled in part variously: "Red Box Brand Spaghetti"; "Red Box Brand Macaroni"; "Diamond Island Brand Rolled Oats"; "Diamond Island Brand Cream of the Mill Oats."

On August 24, 1941, the Underwriters Salvage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for salvaging the good portions under the supervision of the Food and Drug Administration.

**2152. Adulteration of canned spaghetti with tomato sauce and cheese. U. S. v. 10 Cases of Spaghetti. Default decree of forfeiture and destruction. (F. D. C. No. 4952. Sample No. 44859-E.)**

Examination showed that the tomato sauce in this product contained excessive mold, indicating the presence of decomposed material.

On June 19, 1941, the United States attorney for the District of Idaho filed a libel against 10 cases, each containing 48 cans, of spaghetti at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about September 25, 1940, by Superior Food Products Manufacturing Co., Inc., from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled



in part: (Cans) "Sonny Boy Brand Italian Style Cooked Spaghetti With Tomato Sauce And Cheese Net Weight 15 Ozs."

On July 24, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2153. Adulteration of gingersnaps. U. S. v. 12 Cartons of X-Snaps. Default decree of condemnation and destruction.** (F. D. C. No. 3697. Sample No. 50486-E.)

This product consisted of gingersnaps labeled "X-Snaps," which contained rodent hairs and insect fragments.

On January 22, 1941, the United States attorney for the Western District of Virginia filed a libel against 12 cartons of X-Snaps at Lynchburg, Va., alleging that the article had been shipped in interstate commerce on or about October 29, 1940, by the G. L. Baking Co. from Frederick, Md.; and charging that it was adulterated.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2154. Adulteration of hominy grits. U. S. v. 9 Bags of Grits. Default decree of condemnation and destruction.** (F. D. C. No. 5060. Sample No. 48150-E.)

This product was insect-infested.

On July 2, 1941, the United States attorney for the Middle District of Georgia filed a libel against 9 bags of hominy grits at Thomasville, Ga., alleging that the article had been shipped in interstate commerce on or about April 19 and May 16, 1941, by the Meridian Grain & Elevator Co. from Meridian, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "96 Lbs. Net NunBetter Medium Grits Degerminated Hominy Grits."

On August 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FEED

**2155. Adulteration and misbranding of fish meal. U. S. v. 50 Sacks of Fish Meal. Consent decree of condemnation and destruction.** (F. D. C. No. 5011. Sample No. 25375-E.)

Examination showed that this product contained ground nut shells.

On July 3, 1941, the United States attorney for the District of Kansas filed a libel against 50 sacks of fish meal at Salina, Kans., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, by R. J. Roesling Co. from Richmond, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a mixture of fish meal and ground nut shells had been substituted wholly or in part for fish meal, which it purported to be.

It was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On July 29, 1941, the case having come on for hearing and the consignee, the sole intervenor, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**2156. Adulteration and misbranding of poultry cod-liver oil. U. S. v. 19 Drums of Cod-Liver Oil. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 4073. Sample No. 38450-E.)

This product was labeled as containing 400 A. O. A. C. chick units of vitamin D per gram, but it contained not more than 320 such units per gram.

On March 28, 1941, the United States attorney for the District of Minnesota filed a libel against 19 drums of cod-liver oil at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about July 17, 1940, by the New England By-Products Corporation from Gloucester, Mass.; and charg-



ing that it was adulterated and misbranded. It was labeled in part: "Gortons G P Cod Liver Oil Fortified."

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been wholly or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the following statement was false since it was incorrect: "400 Units Vitamin D Per Gram A O A C."

The libel alleged that the article was also adulterated and misbranded under the provisions of the act applicable to drugs, as reported in notices of judgment on drugs and devices.

On July 3, 1941, Gorton Pew Fisheries Co., Gloucester, Mass., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

## DAIRY PRODUCTS

### BUTTER

**2157. Adulteration of butter. U. S. v. Harding Cream Division of Sugar Creek Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 2957. Sample No. 16171-E.)**

On April 19, 1941, the United States attorney for the Western District of Missouri filed a libel against the Harding Cream Division of Sugar Creek Creamery Co., a corporation at Kansas City, Mo., alleging shipment on or about September 18, 1940, from the State of Missouri into the State of Kansas, of a quantity of butter that was adulterated. It was labeled in part: "Springtime Brand Butter churned by Talbot, Woods & Co. Kansas City, Kans."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On July 18, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25 and costs.

Nos. 2158 to 2164 report the seizure and disposition of butter that contained excessive mold.

**2158. Adulteration and misbranding of butter. U. S. v. 56 1-Pound Prints and 72 Rolls of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 5279, 6179. Sample Nos. 29724-E, 79126-E.)**

One lot of this product contained mold and the other was deficient in milk fat. Both lots were short of the declared weight.

On July 16 and October 20, 1941, the United States attorney for the Eastern District of Kentucky filed libels against 56 1-pound prints of butter at Covington, Ky., and 72 1-pound rolls of butter at Newport, Ky., alleging that the article had been shipped in interstate commerce on or about July 10 and October 13, 1941, by Armleder's Dairy Co. or Armleder Cooperative Creamery from Batavia, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Armleder's Butter."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance and was otherwise unfit for food. The remainder was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Both lots were alleged to be misbranded in that it was food in package form and its labeling was false and misleading in that the parchment wrapper was marked "One Pound Net"; whereas the packages contained less than 1 pound net.

On August 12 and November 13, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2159. Adulteration of butter. U. S. v. 14 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 5220. Sample No. 59350-E.)**

On July 9, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 14 cartons, consisting of 443 1-pound prints, of butter at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about June 28, 1941, by Beatrice Creamery Co. from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Clover Hill Butter."

On July 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2160. Adulteration of butter. U. S. v. 12 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5862. Sample No. 54238-E.)

On September 9, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 12 tubs of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 4, 1941, by Chesapeake Dairy Products from Matthews, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: (Stenciled on tub) "A. F. Brickley & Son Distributors Philadelphia, Pa."

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2161. Adulteration of butter. U. S. v. 9 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5068. Sample No. 42430-E.)

On June 24, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 9 cases, each containing 32 pounds, of butter at Pittsburgh, Pa., alleging that the article had been shipped on or about June 13, 1941, by Farmers Produce Association from Crawfordsville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: "Glenwood Creamery Butter \* \* \* Distributed by Swift & Company, General Office, Chicago, Ill."

On July 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2162. Adulteration of butter. U. S. v. 31¾ Cases and 15 Cases of Butter. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5725, 5764. Sample Nos. 49707-E, 67074-E.)

On August 13 and 16, 1941, the United States attorneys for the Eastern Districts of Tennessee and Louisiana filed libels against 31¾ cases of butter at Memphis, Tenn., and 15 cases, each containing 32 1-pound rolls, of butter at New Orleans, La., alleging that the article had been shipped on or about July 27 and August 2, 1941, by Jerpe Dairy Products Corporation from Fayetteville, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Portion, parchment wrapper) "Clear Brook \* \* \* Butter \* \* \* Ol' Fashund Roll \* \* \* Distributors Wilson & Co."; (remainder, shipping case) "Ol' Fashund Roll Finest Creamery Butter, Wilson and Company Distributors."

On September 18 and 25, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2163. Adulteration of butter. U. S. v. 125 Boxes of Butter. Default decree of condemnation. Product ordered sold for soap making or other technical use.** (F. D. C. No. 5042. Sample No. 62615-E.)

On June 9, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 125 boxes, each containing 30 pounds, of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 15, 1941, by Frank Pilley & Sons, Inc., from Springfield, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (8-ounce rolls) "Quaker Roll Butter \* \* \* Packed for Quaker Produce Co. Detroit, Mich."

On July 10, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the butter be sold for soap making or other technical use.

**2164. Adulteration of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5280. Sample No. 37065-E.)

On or about July 23, 1941, the United States attorney for the Northern District of Florida filed a libel against 2 cases, each containing 32 pounds of butter, at Tallahassee, Fla., alleging that the article had been shipped in interstate commerce on or about July 11, 1941, by Swift & Co. from Moultrie, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Cartons) "Brookfield Butter."

On September 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2165 to 2189 report the seizure and disposition of butter that was deficient in milk fat.



**2165. Adulteration and misbranding of butter. U. S. v. 6 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5131. Sample No. 60818-E.)**

On June 25, 1941, the United States attorney for the Western District of Washington filed a libel against 6 68-pound cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Alpine Creamery Co., on or about June 19, 1941, from Burns, Oreg.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter J. S. Griffiths Co. Seattle Wn."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On July 2, 1941, Alpine Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned under the supervision of the Food and Drug Administration so that it comply with the law.

**2166. Adulteration of butter. U. S. v. 34 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5094. Sample No. 56911-E.)**

On June 24, 1941, the United States attorney for the Southern District of New York filed a libel against 34 boxes, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 8, 1941, by Alvarado Coop. Creamery, Alvarado, Minn., from Moose Lake, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Zenith-Godley Co. New York."

On July 9, 1941, Alvarado Co-operative Creamery Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked so that it comply with the law.

**2167. Adulteration and misbranding of butter. U. S. v. 11 Cartons of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 5001. Sample No. 54117-E.)**

On June 13, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 11 cartons, each containing 60 pounds, of butter at Philadelphia, Pa., alleging that the article had been shipped on or about June 4, 1941, by Anderson Creamery Co. from Litchfield, Minn.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent by weight of milk fat.

On June 25, 1941, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to conform to the law under the supervision of the Food and Drug Administration.

**2168. Adulteration and misbranding of butter. U. S. v. 28 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5072. Sample No. 69543-E.)**

On June 24, 1941, the United States attorney for the Southern District of New York filed a libel against 28 boxes, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 8, 1941, by Big Fork Valley Cooperative Association, Big Fork, Minn., from Carlton, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Distributed by Hunter, Walton & Co. \* \* \* New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 8, 1941, the Big Fork Valley Cooperative Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.



**2169. Adulteration and misbranding of butter. U. S. v. 39 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5050. Sample No. 46960-E.)

On June 19, 1941, the United States attorney for the Southern District of New York filed a libel against 39 tubs, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 3, 1941, by Brewster Creamery Co. from Brewster, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Lewis Ebert & Sons, Inc. Distributors New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 2, 1941, Brewster Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2170. Adulteration and misbranding of butter. U. S. v. 15 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5070. Sample Nos. 46370-E, 56617-E.)

On June 25, 1941, the United States attorney for the Southern District of New York filed a libel against 15 cartons, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 4, 1941, by Cando Creamery, Cando, N. Dak., from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed By Hunter, Walton & Co. \* \* \* New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 8, 1941, Cando Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2171. Adulteration and misbranding of butter. U. S. v. 7 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5118. Sample No. 46369-E.)

On June 26, 1941, the United States attorney for the Southern District of New York filed a libel against 7 cartons, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 7, 1941, by Cavalier Creamery, Cavalier, N. Dak., from Carlton, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Distributed By J. R. Kramer, Inc. \* \* \* New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 7, 1941, Cavalier Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2172. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. 5282. Sample No. 62232-E.)

On June 18, 1941, the United States attorney for the Northern District of Illinois filed a libel against 17 tubs of butter at Chicago, Ill., alleging that the article had been shipped on June 7, 1941, by H. C. Christians Co. from Winona, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter \* \* \* Net Weight 64 Lbs."

On June 20, 1941, H. C. Christians Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration, and not sold or otherwise disposed of in violation of the law.



**2173. Adulteration and misbranding of butter. U. S. v. 14 Boxes and 86 Boxes of Butter. Decrees of condemnation. Portion of product ordered released under bond to be reworked; remainder ordered destroyed.** (F. D. C. Nos. 5067, 5116. Sample Nos. 42423-E, 42577-E.)

On June 12 and 17, 1941, the United States attorney for the Western District of Pennsylvania filed libels against 14 boxes each containing 32 pounds, and 86 boxes each containing 30 pounds, of butter at Pittsburgh, Pa., alleging that the article had been shipped by Cloverleaf Creameries, Inc., from Decatur, Ind., on or about May 26 and June 1, 1941; and charging that it was adulterated and misbranded. The article was labeled in part: "Country Roll Creamery Butter \* \* \* Distributors Wilson & Co., \* \* \* Chicago, Ill."; or "Silverbrook Creamery Butter \* \* \* The Great Atlantic & Pacific Tea Co., New York, N. Y. Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On July 16, 1941, no claimant having appeared for the 14 boxes shipped on May 26, judgment of condemnation was entered and the product was ordered destroyed. On July 22, 1941, Cloverleaf Creameries, Inc., claimant for the 86 boxes shipped on June 1, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**2174. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5249. Sample Nos. 47175-E, 47177-E.)

On July 16, 1941, the United States attorney for the Northern District of Illinois filed a libel against 30 63-pound tubs of butter at Chicago, Ill., alleging that the article had been shipped on June 28, 1941, by A. T. Crouch Creamery from Bloomer, Ark.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 17, 1941, Weinberg Bros & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration, and not sold or otherwise disposed of in violation of the law.

**2175. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5058. Sample No. 56619-E.)

On June 19, 1941, the United States attorney for the Southern District of New York filed a libel against 25 tubs, each containing approximately 64 pounds of butter, at New York, N. Y., alleging that the article had been shipped on or about June 4, 1941, by Dairyland Cooperative Association, St. Cloud, Minn., from Minneapolis, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Zimmer & Dunkak, Inc. New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 1, 1941, Dairyland Cooperative Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2176. Adulteration and misbranding of butter. U. S. v. 15 Tubs and 12 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond.** (F. D. C. Nos. 5056, 6051. Sample Nos. 56972-E, 69542-E.)

On June 21 and October 14, 1941, the United States attorney for the Southern District of New York filed libels against 27 tubs, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 8 and September 30, 1941, by Equity Union Creamery, Inc., from Aberdeen, S. Dak., and Minot, N. Dak.; and charging that it was adulterated and that a portion was also misbranded. A portion of the article was labeled in part: "Distributed By Dairy & Poultry Co-Op. Inc. \* \* \* New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. A portion of



the article was alleged to be misbranded in that it was labeled "Butter," which was false and misleading.

On July 3 and October 30, 1941, Equity Union Creamery, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

**2177. Adulteration and misbranding of butter. U. S. v. 16 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5251. Sample No. 69546-E.)**

On June 24, 1941, the United States attorney for the Southern District of New York filed a libel against 16 boxes, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 8, 1941, by Farmers Cooperative Creamery from Wilmot, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed By J. R. Kramer Inc. \* \* \* New York N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 9, 1941, Farmers Cooperative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2178. Adulteration and misbranding of butter. U. S. v. 14 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5117. Sample No. 46368-E.)**

On June 27, 1941, the United States attorney for the Southern District of New York filed a libel against 14 cartons, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 6, 1941, by Graceville Creamery, Graceville, Minn., from Minnesota Transfer, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed By J. R. Kramer, Inc. \* \* \* New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On July 9, 1941, Graceville Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2179. Adulteration and misbranding of butter. U. S. v. 34 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5120. Sample No. 46373-E.)**

On June 27, 1941, the United States attorney for the Southern District of New York filed a libel against 34 cartons, each containing approximately 65 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 9, 1941, by Gwinner Creamery from Gwinner, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributor Zenith-Godley Co. N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 9, 1941, Gwinner Co-operative Creamery, Gwinner, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2180. Adulteration of butter. U. S. v. 78 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5127. Sample No. 56914-E.)**

On June 28, 1941, the United States attorney for the Southern District of New York filed a libel against 78 cartons, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped



on or about June 10, 1941, by Heatwole Cooperative Creamery Association from Heatwole, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Distributors Zenith-Godley Co. N. Y."

On July 16, 1941, Heatwole Co-operative Creamery Co. of Hutchinson, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked so that it comply with the law.

**2181. Adulteration and misbranding of butter. U. S. v. 85 Cartons of Butter. Decree of condemnation. Product ordered released to claimant under bond. (F. D. C. No. 5066. Sample Nos. 40912-E, 40913-E.)**

On June 25, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 85 63-pound cartons of butter at Philadelphia, Pa., alleging that the article had been shipped on or about January 18, 1941, by C. G. Heyd & Co. from Mankato, Minn.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent by weight of milk fat.

On June 25, 1941, C. G. Heyd & Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to conform to the law under the supervision of the Food and Drug Administration.

**2182. Adulteration and misbranding of butter. U. S. v. 16 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5119. Sample No. 46372-E.)**

On June 27, 1941, the United States attorney for the Southern District of New York filed a libel against 16 cartons, each containing approximately 62 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 14, 1941, by Kelliher Creamery Co., Kelliher, Minn., from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Dist. by Hunter, Walton & Co. New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 8, 1941, Kelliher Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2183. Adulteration and misbranding of butter. U. S. v. 11 Boxes, 8 Boxes, and 11 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5073. Sample No. 69544-E.)**

On June 25, 1941, the United States attorney for the Southern District of New York filed a libel against 30 boxes, each containing approximately 65 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 8, 1941, by Lonsdale Creamery Co., Lonsdale, Minn., from Mapleton, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed By Hunter, Walter & Co. \* \* \* New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 8, 1941, Lonsdale Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2184. Adulteration and misbranding of butter. U. S. v. 35 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5069. Sample No. 46366-E.)**

On June 25, 1941, the United States attorney for the Southern District of New York filed a libel against 35 tubs, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or



about June 8, 1941, by Minneola Creamery, Wanamingo, Minn., from Minneapolis, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Distributed By Zimmer & Dunkak, Inc. \* \* \* New York, N. Y."

The article was alleged to adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 8, 1941, Minneola Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so that it comply with the law.

**2185. Adulteration of butter. U. S. v. 29 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5126. Sample No. 56913-E.)**

On June 28, 1941, the United States attorney for the Southern District of New York filed a libel against 29 cartons, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 11, 1941, by New Auburn Creamery from New Auburn, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Breakstone Bros. Inc. \* \* \* N. Y."

On July 18, 1941, New Auburn Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

**2186. Adulteration of butter. U. S. v. 78 Cartons of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 5022. Sample No. 54118-E.)**

On June 19, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 78 cartons of butter at Philadelphia, Pa., alleging that the article had been shipped on or about June 12, 1941, from Stanchfield, Minn., by the Stanchfield Creamery Co.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Aiken Schwartz Co., Philadelphia, Pa."

On June 19, 1941, the Aiken Schwartz Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

**2187. Adulteration and misbranding of butter. U. S. v. 24 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5125. Sample No. 51437-E.)**

On June 11, 1941, the United States attorney for the District of Massachusetts filed a libel against 24 boxes, each containing 60 pounds, of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about June 4, 1941, by Stockholm Co-Op. Creamery Association from Cokato, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter \* \* \* Pipestone Produce Co. Somerville, Mass."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On June 23, 1941, Pipestone Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration, so that it contain at least 80 percent milk fat.

**2188. Adulteration of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5250. Sample No. 62239-E.)**

On July 10, 1941, the United States attorney for the Northern District of Illinois filed a libel against 50 tubs of butter at Chicago, Ill., alleging that the article had been shipped on June 23, 1941, by United Creameries Service from Omaha, Nebr.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.



The article was labeled in part: "Butter L D Schreiber & Co., Inc. Distributors Chicago \* \* \* Illinois \* \* \* Net Wt. 60 Lbs."

On July 17, 1941, L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reprocessed under the supervision of the Food and Drug Administration, and not sold or otherwise disposed of in violation of the law.

**2189. Adulteration and misbranding of butter. U. S. v. 14 Boxes, 13 Boxes, 11 Boxes, 16 Boxes, and 9 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5096. Sample No. 69545-E.)**

On June 25, 1941, the United States attorney for the Southern District of New York filed a libel against 63 boxes, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 3, 1941, by Walhalla Producers Creamery Co., Walhalla, N. Dak., from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Breakstone Bros. Inc. Distributors New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 10, 1941, Walhalla Produce Co., Walhalla, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

#### CHEESE

**2190. Adulteration and misbranding of Colby cheese. U. S. v. 26 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 4481. Sample No. 42416-E.)**

This product contained excessive moisture and was deficient in milk fat. It also failed to comply with certain labeling requirements of the law.

On June 7, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 26 boxes of cheese at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 5, 1941, by the Fisher Dairy & Cheese Co. from Wapakoneta, Ohio; and charging that it was adulterated and misbranded. The article was unlabeled except for batch numbers and weights, but was shipped in response to a purchase order for "Colby Long Horns."

It was alleged to be adulterated in that an article deficient in milk fat and containing excessive moisture had been substituted wholly or in part for Colby longhorn cheese, which it purported to be.

It was alleged to be misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it purported to be Colby cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard in that it contained more than 40 percent of moisture, and its solids contained less than 50 percent of milk fat. It was alleged to be misbranded further in that the label failed to bear the name of the food specified in the definition and standard.

On July 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2191. Adulteration and misbranding of process cheese. U. S. v. 39 Boxes and 20 Loaves of Process Cheese. Consent decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3798. Sample No. 56005-E.)**

The packages of this product contained less than the declared weight. The product also contained excessive moisture.

On February 11, 1941, the United States attorney for the District of Connecticut filed a libel against 39 boxes each containing 5 pounds of process cheese, and 20 5-pound loaves of the same product which had been removed from the boxes, at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about January 23, 1941, by Sunette Cheese Corporation from New York, N. Y.; and charging that it was adulterated and misbranded. The article in the boxes was labeled in part: "5 Lbs. Net Sunette Brand American Pasteurized Process Cheese."



It was alleged to be adulterated in that a substance, process cheese containing excessive moisture, had been substituted wholly or in part for the article; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it was.

Misbranding of the product in the boxes was alleged in that the statement "5 Lbs. Net" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On May 1, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

### EGGS

Nos. 2192 and 2193 report actions based on interstate shipment of oil-processed cold storage eggs that were represented to be fresh eggs.

**2192. Adulteration and misbranding of shell eggs. U. S. v. Rhodes Ranch Egg Co. Plea of guilty. Fine, \$1,400.** (F. D. C. No. 4163. Sample Nos. 44079-E, 44080-E, 44525-E, 44526-E, 44529-E to 44531-E, incl., 44536-E to 44539-E, incl., 44609-E, 44610-E, 44629-E.)

On August 7, 1941, the United States attorney for the District of Colorado filed an information against the Rhodes Ranch Egg Co., a corporation, Denver, Colo., alleging shipment within the period from on or about November 26 to on or about December 10, 1940, from the State of Colorado into the States of New Mexico, Arizona, and Wyoming, of quantities of shell eggs which were adulterated and misbranded. The article was labeled in part: "Rhodes Seeled Fresh Eggs" or "Rhodes Nulade Eggs."

The article was alleged to be adulterated in that oil-processed cold storage eggs had been substituted in whole or in part for fresh eggs, which it purported to be.

It was alleged to be misbranded in that the statements, "Seeled Fresh Eggs" or "Nulade Eggs," borne on the cartons or cases, were false and misleading in that they represented that it consisted of fresh or new-laid eggs; whereas it did not so consist, but did consist in whole or in part of oil-processed cold storage eggs.

On August 22, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1,400.

**2193. Adulteration and misbranding of shell eggs. U. S. v. Toner's, Inc. Plea of guilty. Fine, \$600.** (F. D. C. No. 4162. Sample Nos. 44527-E, 44528-E, 44532-E, 44533-E, 44540-E, 44576-E.)

On July 28, 1941, the United States attorney for the District of Colorado filed an information against Toner's, Inc., Denver, Colo., alleging shipment within the period from on or about November 23 to on or about December 2, 1940, from the State of Colorado into the State of New Mexico of a number of cartons and 1 case of shell eggs which were adulterated and misbranded. The article was labeled in part: "Toner's Sun Valley Eggs \* \* \* Fresh" or "Ferndale Eggs \* \* \* Fresh."

The article was alleged to be adulterated in that oil-processed cold storage eggs had been substituted in whole or in part for fresh eggs, which it purported to be.

It was alleged to be misbranded in that the statement "Fresh," borne on the cartons and case, was false and misleading since the article did not consist of fresh eggs but did consist of oil-processed cold storage eggs.

On August 14, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$600.

**2194. Adulteration of frozen whole eggs. U. S. v. 192 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 4799. Sample No. 56906-E.)

Examination of this product showed the presence of decomposed eggs.

On May 19, 1941, the United States attorney for the Eastern District of New York filed a libel against 192 cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 25, 1941, by the Belzer Egg Products Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On June 25, 1941, Irving Edelstein, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the



product was ordered released under bond conditioned that the unfit portion be destroyed or disposed of for any purposes other than for human consumption.

**2195. Adulteration of frozen eggs. U. S. v. 1,078 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 5275. Sample No. 42449-E.)**

This product was in part decomposed.

On August 5, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 1,078 cans of frozen eggs at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 13, 1941, by Sherman White & Co. from Fort Wayne, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On August 26, 1941, the claimant, Pennsylvania Railroad Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the good from the bad and the disposition of the latter for tanning purposes.

## FISHERIES PRODUCTS

### FRESH FISH AND SHELLFISH

**2196. Adulteration of crab meat. U. S. v. 3 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 5055. Sample No. 59234-E.)**

This product contained evidence of the presence of filth.

On June 16, 1941, the United States attorney for the District of Maryland filed a libel against 3 barrels, containing a total of 285 pounds, of crab meat at Baltimore, Md., alleging shipment on or about June 13, 1941, by the Clark Sea Food Co. from Bayou La Batre, Ala.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or whereby it might have been rendered injurious to health.

On July 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2197. Adulteration of crab meat. U. S. v. 2 Barrels and 2 Barrels of Crab Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 5074, 5170. Sample Nos. 59231-E, 59233-E.)**

This product contained evidence of the presence of filth.

On June 9 and 16, 1941, the United States attorney for the District of Maryland filed a libel against 4 barrels, each containing 200 cans, of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 7 and 12, 1941, by the Gulf Crabmeat Co. from Mobile, Ala.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or whereby it might have been rendered injurious to health.

On July 30, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2198. Adulteration of crab meat. U. S. v. 3 Barrels of Crab Meat (and 3 additional seizure actions against crab meat.) Default decrees of condemnation and destruction. (F. D. C. Nos. 5731 to 5734, incl. Sample Nos. 50327-E to 50330-E, incl.)**

This product had been packed under insanitary conditions.

On August 18, 1941, the United States attorney for the District of Maryland filed four libels against a total of 11 barrels of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 14 and 15, 1941, by John's Fish Market from Ocean Springs and Biloxi, Miss.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or whereby it might have been rendered injurious to health.

On September 20, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2199. Adulteration of oysters. U. S. v. 134 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 3392. Sample No. 14554-E.)**

This product contained added water.

On November 16, 1940, the United States attorney for the Middle District of Pennsylvania filed a libel against 134 pints of oysters at York, Pa., alleging that



the article had been shipped in interstate commerce on or about November 12, 1940, by E. R. Dize & Co. from Crisfield, Md.; and charging that it was adulterated. The article was labeled in part: "Extra Select Mar Va Salt Water Oysters."

The article was alleged to be adulterated in that water had been substituted wholly or in part for it; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On June 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2200. Adulteration of yellow pike. U. S. v. 20 Boxes and 4 Boxes of Fish. Consent decree of condemnation and destruction. (F. D. C. No. 4863. Sample Nos. 47635-E, 47636-E.)**

Examination of this product showed the presence of decomposed fish.

On June 5, 1941, the United States attorney for the Northern District of Illinois filed a libel against 24 boxes, each containing 100 pounds, of fish at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 24, 1941, by Morris Fisheries, Inc., from Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 9, 1941, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**FROZEN FISH AND SHELLFISH**

**2201. Adulteration of frozen shrimp. U. S. v. 342 Bags of Frozen Shrimp. Consent decree of condemnation and destruction with respect to a portion; remainder ordered delivered to claimant. (F. D. C. No. 3731. Sample No. 24965-E.)**

Certain lots of this product were found to contain decomposed shrimp.

On January 30, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 342 bags, each containing 10 pounds, of frozen shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 2, 1941, by Union Fish Co. of Baltimore, Md., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 26, 1941, Union Fish Co. having appeared as claimant, judgment of condemnation with consent of claimant was entered with respect to two lots of the article, which were ordered destroyed. The remaining two lots were ordered delivered to the claimant since reexamination had shown that they were free from decomposition.

**2202. Adulteration of haddock fillets. U. S. v. 35 Boxes and 103 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5650. Sample Nos. 59257-E, 59258-E.)**

Examination showed the presence of decomposed fish in this product.

On September 9, 1941, the United States attorney for the District of Maryland filed a libel against 35 15-pound boxes and 103 10-pound boxes of haddock fillets at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 26, 1941, by J. Adams & Co., Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2203. Adulteration of frozen haddock fillets. U. S. v. 156 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5151. Sample No. 59352-E.)**

Examination showed the presence of putrid fish.

On July 16, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 156 boxes of haddock fillets at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about January 18, 1941, by the American Fish Co., Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a putrid substance. The article was labeled in part: "LG Haddock Fillets."

On August 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2204. Adulteration of haddock fillets. U. S. v. 100 Boxes of Small Haddock. Default decree of condemnation and destruction. (F. D. C. No. 5638. Sample No. 64073-E.)**

Examination showed the presence of decomposed fish in this product.

On September 6, 1941, the United States attorney for the Western District of New York filed a libel against 100 boxes, each containing 15 pounds, of small haddock fillets at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 26, 1941, by the Cassius Hunt Co. from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On November 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2205. Adulteration of perch fillets. U. S. v. 636 Boxes of Frozen Perch Fillets. Consent decree of condemnation and destruction. (F. D. C. No. 4856. Sample No. 47347-E.)**

Examination showed this product to be putrid and infested with parasites.

On June 5, 1941, the United States attorney for the Northern District of Illinois filed a libel against 636 boxes of frozen perch fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 23, 1941, by the Standard Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and putrid substance. The article was labeled in part: "Standard Brand Perch."

On August 1, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**2206. Adulteration of frozen whiting fillets. U. S. v. 79 Boxes of Whiting Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5619. Sample No. 49919-E.)**

Examination showed the presence of decomposed fish in this product.

On September 4, 1941, the United States attorney for the Southern District of Texas filed a libel against 79 boxes, each containing 10 pounds, of whiting fillets at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about July 2, 1941, by the Booth Fisheries Corporation from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On October 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CANNED FISH

**2207. Adulteration of canned salmon. U. S. v. 96, 67, and 25 Cases of Canned Salmon. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 4329. Sample Nos. 60728-E, 60729-E, 60730-E.)**

Examination of this product showed the presence of decomposed salmon.

On April 14, 1941, the United States attorney for the Western District of Washington filed a libel against a total of 188 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 10, 1941, from Oakland, Calif., by the Alaska Packers Association of San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. A portion of the article was labeled in part: (Cans) "North View Brand Alaska Red Salmon." The remaining portion was unlabeled.

On July 8, 1941, Morris Muskatel & Sons, Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2208. Adulteration and misbranding of canned salmon. U. S. v. 59 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. D. C. No. 3763. Sample No. 35699-E.)**

This product was found to be in part decomposed. It was also falsely labeled as to the name of the packer.

On February 5, 1941, the United States attorney for the Northern District of Mississippi filed a libel against 59 cases of canned salmon at Columbus, Miss., alleging that the article had been shipped in interstate commerce on or about October 4, 1940, by the E. H. Hamlin Co. from Seattle, Wash.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Criterion Brand Pink Alaska Salmon \* \* \* Packed by Kadiak Fisheries Co.,



Kadiak and Shearwater Alaska"; or (cases) "Packed by Kadiak Fisheries Company, Seattle U. S. A."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, putrid, or decomposed substance.

It was alleged to be misbranded in that its labeling was false and misleading.

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2209. Adulteration and misbranding of canned tuna fish. U. S. v. 5 Cases of Canned Tuna Fish. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3187. Sample No. 34487-E.)**

This product was yellow-fin or some similar species of tuna and not albacore or white meat as its label indicated.

On October 15, 1940, the United States attorney for the District of New Jersey filed a libel against 5 cases of canned tuna fish at Highland Park, N. J., alleging that the article had been shipped in interstate commerce on or about August 29, 1940, by the Martel Food Corporation; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Martel Brand \* \* \* White Meat Fancy Deluxe Tuna Fish \* \* \* Albacore. Adolph Goldmark & Sons Corp. Distributors, New York, N. Y."

The article was alleged to be adulterated in that a substance, light meat tuna, had been substituted wholly or in part for white meat tuna or albacore, which it purported to be.

It was alleged to be misbranded in that the statement "White Meat Fancy Deluxe Tuna Fish \* \* \* Albacore" was false and misleading since the article was not albacore or white meat tuna. It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

## FRUITS AND VEGETABLES

### FRESH BLUEBERRIES

**Nos. 2210 to 2221** report the seizure and disposition of fresh blueberries that were infested with maggots.

**2210. Adulteration of blueberries. U. S. v. 30 Crates and 7 Crates of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 5209, 5210. Sample Nos. 69669-E, 69671-E.)**

On July 24, 1941, the United States attorney for the District of New Jersey filed libels against 37 crates of blueberries at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about July 17, 1941, by Altemose Bros. from Albrightsville, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Selected Pocono Mountain Blueberries."

On September 5, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2211. Adulteration of blueberries. U. S. v. 29 Crates and 9 Crates of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 5697, 5698. Sample Nos. 69614-E, 69615-E.)**

On August 18, 1941, the United States attorney for the Southern District of New York filed libels against 38 crates, each containing approximately 12 pints, of blueberries at New York, N. Y., alleging that the article had been shipped on or about August 13, 1941, by D. E. Ballard from Hammonton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Indiantown Blueberries."

On September 9, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2212. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 5696. Sample No. 69612-E.)**

On August 14, 1941, the United States attorney for the Southern District of New York filed a libel against 3 crates, each containing approximately 36 pints, of blueberries at New York, N. Y., alleging that the article had been shipped on or



about August 12, 1941, by Jacob Franchetti from Hammonton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2213. Adulteration of blueberries. U. S. v. 6 Crates and 4 Crates of Blueberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5391, 5392. Sample Nos. 69606-E, 69607-E.)

On August 9, 1941, the United States attorney for the Southern District of New York filed libels against 10 crates, each containing approximately 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped on or about August 6 and 7, 1941, by G. I. Gilpin from Mount Pocono, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 10, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2214. Adulteration of blueberries. U. S. v. 14 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5285. Sample No. 74283-E.)

On July 23, 1941, the United States attorney for the Southern District of New York filed a libel against 14 crates, each containing approximately 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped on or about July 21, 1941, by Peter Humetsky from Shenandoah, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2215. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5389. Sample No. 69603-E.)

On August 9, 1941, the United States attorney for the Southern District of New York filed a libel against 8 crates, each containing approximately 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped on or about August 5, 1941, by Steve Koval from Mahanoy City, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Blue Mountains Fancy Blueberries."

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2216. Adulteration of blueberries. U. S. v. 17 Cans of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5695. Sample Nos. 54059-E, 54061-E.)

On August 14, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 17 30-pound cans of blueberries at Philadelphia, Pa., alleging that the article had been shipped on or about August 12, 1941, by Kreole Kitchen from Chatsworth, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2217. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5289. Sample No. 74292-E.)

On July 29, 1941, the United States attorney for the Southern District of New York filed a libel against 6 crates, each containing approximately 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped on or about July 25, 1941, by N. Lasichak from Jermyn, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: (Cellophane cover on quart baskets) "Full Moon Quality Pennsylvania Blueberries."

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2218. Adulteration of blueberries. U. S. v. 46 Crates and 17 Crates of Blueberries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5284, 5287. Sample Nos. 69735-E, 74288-E.)

On July 22 and 26, 1941, the United States attorney for the Southern District of New York filed libels against 63 crates, each containing approximately 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped on or about July 20 and 24, 1941, by M & C Berry Packers from Stockton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: (Cellophane-covered quart baskets) "Skylark Blueberries."

On August 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2219. Adulteration of blueberries. U. S. v. 36 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5288. Sample No. 74290-E.)

On July 26, 1941, the United States attorney for the Southern District of New York filed a libel against 36 crates, each containing approximately 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped on or about July 24, 1941, by E. J. Matthews from Stockton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: (Cellophane cover on basket) "Skylark Blueberries M & C Berry Packers Stockton, Pa."

On August 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2220. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5390. Sample No. 69604-E.)

On August 9, 1941, the United States attorney for the Southern District of New York filed a libel against 12 crates, each containing approximately 24 pints, of blueberries at New York, N. Y., alleging that the article had been shipped on or about August 7, 1941, by Tony Puleo, Hammonton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2221. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5283. Sample No. 69732-E.)

On July 22, 1941, the United States attorney for the Southern District of New York filed a libel against 6 crates, each containing approximately 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped on or about July 17, 1941, by O. G. Williamson from Federalsburg, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CANNED FRUITS AND VEGETABLES

**2222. Adulteration of canned cherries. U. S. v. 89 Cases and 60 Cases of Canned Cherries. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5923, 5924. Sample No. 61539-E.)

Examination showed that this product contained maggots.

On October 1, 1941, the United States attorney for the Southern District of California filed libels against 89 cases each containing 6 No. 10 cans of cherries at Ventura, Calif., and 60 cases each containing 6 No. 10 cans of cherries at Santa Barbara, Calif., alleging that the article had been introduced in interstate commerce on or about August 26, 1941, by Washington Packers, Inc., from Sumner, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Fruitfull Brand \* \* \* Pitted Red Tart Cherries Water Pack."

On October 28 and 29, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**2223. Adulteration and misbranding of canned cherries. U. S. v. 10 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. D. C. No. 4585. Sample No. 60593-E.)**

These cherries failed to conform to the standard of quality for such food since they were not uniform in size and more than 15 percent of them were blemished. Furthermore, examination disclosed the presence of moldy cherries.

On May 2, 1941, the United States attorney for the District of Idaho filed a libel against 10 cases, each containing 6 No. 10 cans, of cherries at Boise, Idaho, alleging that the article had been shipped on or about November 6, 1940, in pool car shipment for MacDonald Andrews Co. from Portland, Oreg.; and charging that it was adulterated and misbranded. It was labeled in part: "Spencerian Brand Water Pack Light Sweet Royal Anne Cherries Spencer Packing Co. Lebanon, Oregon, U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, since more than 15 percent of such cherries were blemished and the weight of the largest cherry in the container was more than twice the weight of the smallest cherry, and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 13, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2224. Misbranding of canned cherries. U. S. v. 181 Cases of Canned Cherries. Consent decree of condemnation and destruction. (F. D. C. No. 4506. Sample No. 59142-E.)**

This product was not of Fancy quality, as represented in the labeling, because of the presence of too many spotted cherries.

On April 28, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 181 cases of canned cherries at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about September 17 and November 13, 1940, by C. H. Musselman Co. of Biglerville, Pa., from Baltimore, Md.; and charging that it was misbranded in that the term "Fancy Quality" was false and misleading as applied to an article that was not Fancy. The article was labeled in part: (Cans) "Musselman's Red Sour Pitted Cherries Fancy Quality Water Pack."

On June 16, 1941, the C. H. Musselman Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2225. Misbranding of canned fruit cocktail. U. S. v. 16 Cases of Canned Fruit Cocktail. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 4879. Sample No. 55675-E.)**

Examination showed that this product was not of Fancy quality because of excessive amounts of very small pieces and some very large pieces of peaches and pears, excessive amounts of mashed or blemished grapes and pineapple sectors, and small pieces of cherries.

On June 9, 1941, the United States attorney for the District of Oregon filed a libel against 16 cases, each containing 48 cans, of fruit cocktail at Portland, Oreg., alleging that the article had been shipped on or about April 3, 1941, by Norman L. Waggoner Co. from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Preferred Stock Fancy Fruit Cocktail \* \* \* Contents 8¾ Oz."

The article was alleged to be misbranded in that the term "Fancy" and the statement "Guaranteed to Comply with all \* \* \* National Pure Food Laws" were false and misleading as applied to an article that was not of Fancy quality; and as applied to an article that did not comply with all National pure food laws.

On July 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a charitable institution.

**2226. Adulteration of canned gooseberries. U. S. v. 14 Cases of Canned Gooseberries. Default decree of forfeiture and destruction. (F. D. C. No. 4737. Sample No. 60584-E.)**

Examination showed that this product contained worms.

On May 9, 1941, the United States attorney for the District of Idaho filed a libel against 14 cases, each containing 6 No. 10 cans, of gooseberries at Boise,



Idaho, alleging that the article had been shipped in interstate commerce on or about December 30, 1940, by Olympia Canning Co. from Olympia, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Olympia Brand Gooseberries."

On June 4, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2227. Adulteration of canned huckleberries. U. S. v. 50 Cases and 50 Cases of Canned Huckleberries. Default decrees of condemnation, forfeiture, and destruction. (F. D. C. Nos. 4594, 4811. Sample Nos. 53611-E, 60591-E.)**

Examination showed that this product contained insect larvae.

On May 3 and 21, 1941, the United States attorneys for the District of Idaho and the Southern District of California filed libels against 50 cases each containing 6 No. 10 cans of huckleberries at Boise, Idaho, and 50 cases each containing 6 No. 10 cans of huckleberries at Los Angeles, Calif., alleging that the article had been shipped on or about April 1 and May 7, 1941, by Fassett & Co. from Tacoma, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Plaza Brand Pie Huckleberries Water Pack," or "Eagle Crest Brand Huckleberries."

On July 28 and September 6, 1941, no claimant having appeared, judgments of condemnation and forfeiture were entered ordering that the product be destroyed.

**2228. Adulteration and misbranding of canned asparagus. U. S. v. 24 Cases of Canned Asparagus. Default decree of condemnation and destruction. (F. D. C. No. 5211. Sample No. 50851-E.)**

Examination showed that this product consisted principally of the lower inedible portions of the asparagus sprout.

On July 24, 1941, the United States attorney for the District of Columbia filed a libel against 24 cases, each containing 6 No. 10 cans, of asparagus at Washington, D. C., alleging that the article had been shipped on or about July 9, 1941, by Security Warehouse Co. from Atlanta, Ga.; and charging that it was adulterated and misbranded. It was labeled in part: "Eatmore Green Center Cuts Asparagus \* \* \* Packed For Eatmore Distributing Co. Atlanta, Ga."

The article was alleged to be adulterated in that the lower inedible portions of the asparagus sprout had been substituted wholly or in part for edible asparagus.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it did not consist of the edible portions of sprouts of the asparagus plant.

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2229. Adulteration of canned lima beans, beets, mixed vegetables, and tomato juice. U. S. v. 105 Cases of Canned Lima Beans, et al. Default decree of condemnation and destruction. (F. D. C. No. 5355. Sample Nos. 69575-E to 69580-E, incl.)**

Examination showed that these products had undergone chemical or bacteriological decomposition, or both, and were otherwise unfit for food. All of the cans containing these products were unlabeled, but the cases were stenciled with the name and variety of their contents.

On August 14, 1941, the United States attorney for the Southern District of New York filed a libel against 255 cases of lima beans, 73 cases each containing 6 cans of beets, 137 cases each containing 24 cans of tomato juice, and 82 cases each containing 24 cans of mixed vegetables at New York, N. Y., alleging that the articles had been shipped on or about April 23, 1941, by G. L. Webster Co., Inc., from Cheriton, Va.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances and were otherwise unfit for food.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2230. Adulteration of canned sweetpotatoes, carrots and peas, lima beans, vegetable soup, and tomato soup. U. S. v. 346 Dozen Cans of Mashed Sweetpotatoes, et al. Default decree of condemnation and destruction. (F. D. C. No. 5081. Sample Nos. 69191-E to 69197-E, incl.)**

Examination showed that the inside surface of the cans containing these products was corroded and that the contents had a metallic and astringent taste. All of the cans were unlabeled.



On July 11, 1941, the United States attorney for the Southern District of New York filed a libel against 346 dozen cans of dry-pack mashed sweetpotatoes, 470 dozen cans of sirup-pack whole sweetpotatoes, 133 cases each containing 6 cans of carrots and peas, 290 cases each containing 24 cans of mixed lima beans, 299 cases each containing 24 cans of tiny lima beans, 249 cases each containing 48 cans of vegetable soup, and 249 cases each containing 48 cans of tomato soup at New York, N. Y., alleging that the articles had been shipped within the period from on or about February 17 to on or about March 28, 1941, by G. L. Webster Co., Inc., from Cheriton, Va.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances and were otherwise unfit for food.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2231. Adulteration of canned stringless green beans. U. S. v. 130 Cases of Stringless Green Beans. Default decree of condemnation and destruction.** (F. D. C. No. 5378. Sample No. 37938-E.)

Examination showed that this product was decomposed.

On August 15, 1941, the United States attorney for the Northern District of Georgia filed a libel against 130 cases of stringless green beans at East Point, Ga., alleging that the article had been shipped in interstate commerce on or about July 22, 1941, by Fox Bros. Co. from Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Pine Grove Brand Cut Stringless Green Beans Packed by Pine Grove Canning Co. St. Martinville, La."

On September 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2232. Adulteration of canned pork and beans. U. S. v. 151 Cases of Canned Pork and Beans. Default decree of condemnation and destruction.** (F. D. C. No. 5029. Sample No. 44860-E.)

This product contained decomposed material, as evidenced by the presence of excessive mold.

On June 27, 1941, the United States attorney for the District of Idaho filed a libel against 151 cases of canned pork and beans at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about February 5, 1941, by the Associated Canneries, Inc., from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Olson's Regal Brand Pork and Beans in Tomato Sauce."

On July 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2233. Misbranding of canned beets. U. S. v. 110 Cases of Canned Beets. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 4453. Sample No. 46577-E.)

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of tough or hard beets and because of ragged appearance.

On April 22, 1941, the United States attorney for the Eastern District of New York filed a libel against 110 cases, each containing 24 No. 2 cans, of beets at Brooklyn, N. Y., alleging that the article had been shipped on or about February 7, 1941, by Seymour Canning Co., Seymour, Wis.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the presence of tough or hard beets and because of ragged appearance. The article was labeled in part: "Gerbro Fancy Whole Beets."

On June 18, 1941, Gerber Bros., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2234. Adulteration of canned carrot chunks. U. S. v. 70 Cases, 22 Cases, and 94 Cases of Carrot Chunks. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4013, 4558, 4559. Sample Nos. 22528-E, 22529-E, 55428-E.)

Examination of samples of this product disclosed the presence of dirty, worm-damaged carrot chunks.

On March 19 and May 2, 1941, the United States attorneys for the Western District of Washington and the Northern District of California filed libels



against 70 cases each containing 6 No. 10 cans of carrot chunks at Seattle, Wash., and 116 cases each containing 6 No. 10 cans of carrot chunks at San Francisco, Calif., alleging that the article had been shipped on or about October 7, 1940, and February 7 and 14, 1941, by Jory Packing Co. from Salem, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Jory Carrot Chunks."

On June 23 and August 7, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2235. Misbranding of canned corn. U. S. v. 673 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4358. Sample No. 46574-E.)**

On April 18, 1941, the United States attorney for the Southern District of New York filed a libel against 673 cases, each containing 24 No. 2 cans, of corn at New York, N. Y., alleging that the article had been shipped on or about April 1, 1941, by Fernald, Keene & True Co., West Poland, Maine, from Oxford, Maine; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to overmature corn. The article was labeled in part: (Cans) "Premier Fancy Cream Style White Corn."

On August 19, 1941, Francis H. Leggett & Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2236. Misbranding of canned mushrooms. U. S. v. 139 Cases and 54 Cases of Canned Mushrooms. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4729. Sample No. 31289-E.)**

The label of this product bore a picture of large mushroom slices, which was misleading since a large proportion of the product consisted of small mushroom pieces of irregular shape and of stems.

On or about May 14, 1941, the United States attorney for the Northern District of Illinois filed a libel against 193 cases, each containing 100 cans, of mushrooms at Chicago, Ill., alleging that the article had been shipped on or about March 19, 1941, by K. B. Products Corporation from Cossackie, N. Y.; and charging that it was misbranded in that its label was false and misleading because the vignette thereon implied that the article was sliced mushrooms. The article was labeled in part: (Cans) "Drained Mushrooms 8 Ounces Avoir. Sincerity Brand Mushrooms Pieces and Stems."

On July 1, 1941, Banner Wholesale Grocers, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2237. Misbranding of canned mushrooms. U. S. v. 41 Cases of Canned Mushrooms. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. No. 4317. Sample No. 5573-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because of the presence of blemished and tough pieces of mushrooms and mushroom pieces.

On April 11, 1941, the United States attorney for the Southern District of Ohio filed a libel against 41 cases, each containing 12 cans, of mushrooms at Cincinnati, Ohio, alleging that the article had been shipped on or about December 18, 1940, by Superior Canning Co. from Avondale, Pa.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to blemished and tough pieces of mushrooms and mushroom stems. The article was labeled in part: (Cans) "Wagner's Brand Fancy Mushrooms Pieces and Stems Drained Weight 4 Ounces."

On July 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local hospital.

**2238. Adulteration of canned dry peas. U. S. v. 20 Cases of Canned Dry Peas. Default decree of condemnation and destruction. (F. D. C. No. 5006. Sample No. 55680-E.)**

Examination showed that this product contained weevils.

On June 25, 1941, the United States attorney for the District of Oregon filed a libel against 20 cases, each containing 48 cans, of peas at Portland, Oreg., alleging that the article had been shipped on or about May 22, 1941, by the Nelson Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it



consisted wholly or in part of a filthy substance. The article was labeled in part: "Dinette Cooked Dried Alaska Peas, net contents 12½ ounces."

On August 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2239. Misbranding of canned dry peas and canned Early June peas. U. S. v. 48 Cases of Canned Dry Peas and 295 Cases of Canned Early June Peas. Decrees of condemnation. Portion of product ordered delivered to a hospital; remainder ordered released under bond to be relabeled. (F. D. C. Nos. 4823, 5809. Sample Nos. 40857-E, 59316-E.)**

Both of these products fell below the standard of quality for canned peas because the peas were excessively mealy and more than 25 percent of them were ruptured. The label of the cooked dry peas also failed to bear the name of the optional ingredient, i. e., it failed to state whether the peas were the Early June type or the sweet wrinkled type.

On May 26 and September 20, 1941, the United States attorneys for the Southern District of West Virginia and the Eastern District of Pennsylvania filed libels against 48 cases each containing 24 No. 2 cans of dried peas at Huntington, W. Va., and 295 cases each containing 24 No. 2 cans of Early June peas at Philadelphia, Pa., alleging that they had been shipped on or about March 12 and August 16, 1941, by Phillips Sales Co., Inc., from Cambridge, Md.; and charging that they were misbranded. They were labeled in part: "Olympia Brand specially prepared by soaking selected ripe dried peas Cooked Dry Peas" and "Phillips Delicious Early June Peas."

Both lots were alleged to be misbranded in that they purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but their quality fell below such standard in that the alcohol-insoluble solids were more than 23.5 percent, and in the case of the canned dried peas the skins of more than 25 percent of the peas were ruptured to a width of 1/16 inch or more; and their labels failed to bear in such manner and form as the regulations specify, a statement that they fell below such standard. The canned dried peas were alleged to be misbranded further in that they purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but their label did not bear the name of the optional pea ingredient present.

On August 25, 1941, no claimant having appeared for the portion of the product seized at Huntington, judgment of condemnation was entered and the product was ordered delivered to a nearby hospital. On October 23, 1941, Phillips Sales Co. having appeared as claimant for the portion of the product seized at Philadelphia, judgment of condemnation was entered and it was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2240. Adulteration of canned field peas. U. S. v. 38 Cases of Canned Field Peas with Snaps. Default decree of condemnation and destruction. (F. D. C. No. 3366. Sample No. 20495-E.)**

Examination showed that this product contained insect larvae and eggs.

On November 18, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 38 cases, each containing 24 No. 2 cans, of field peas with snaps at Columbia, S. C., alleging that the article had been shipped on or about October 3, 1940, by R. O. Kelley Cannery from Mitchell, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Kelley's Best \* \* \* Georgia Field Peas with Snaps."

On June 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2241. Misbranding of canned pimientos. U. S. v. 195 Cases of Canned Pimientos. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4386. Sample No. 69009-E.)**

Examination showed that this product was not of Fancy quality, as labeled, because the pimientos were ragged, broken, and trimmed, and were not uniform in color.

On April 22, 1941, the United States attorney for the Southern District of New York filed a libel against 195 cases, each containing 48 cans, of pimientos at New York, N. Y., alleging that the article had been shipped on or about November 23, 1940, by Old Mission Packing Corporation, Ltd., from North San Diego, Calif.; and charging that it was misbranded in that the term "Fancy" was false and misleading for the reasons appearing above. The article was labeled in part: (Cans)



"Connoisseur Brand Fancy Pimientos Sweet Red Peppers Contents 15 Oz. Avoir. or 425 Grams."

On July 3, 1941, Old Mission Packing Corporation, Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2242. Adulteration of canned pumpkin. U. S. v. 316 Cases of Canned Pumpkin. Default decree of condemnation and destruction. (F. D. C. No. 4508. Sample No. 43252-E.)**

Examination showed that this product contained a glasslike mineral substance.

On May 7, 1941, the United States attorney for the District of Nebraska filed a libel against 316 cases, each containing 24 No. 2½ cans, of pumpkin at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about October 19, 1939, by the Gunter Food Products Co. from Mount Pleasant, Iowa; and charging that it was adulterated. It was labeled in part: "Silver's Pride Brand Fancy Pumpkin Contents 1 Lb. 12 Oz."

The article was alleged to be adulterated (1) in that it contained an added deleterious glasslike mineral substance; (2) in that a glasslike mineral substance had been substituted wholly or in part for pumpkin; (3) in that a glasslike mineral substance had been added thereto or mixed or packed with it so as to reduce its quality; and (4) in that it was unfit for food.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2243. Misbranding of canned spinach. U. S. v. 14 Cases and 22 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 4525. Sample Nos. 59143-E, 59144-E.)**

This product was not Fancy, as labeled, because of the large amount of stems and flower buds: a portion (14 cases) was also somewhat gritty.

On April 30, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 36 cases, each containing 24 cans, of spinach at Norfolk, Va., alleging that the article had been shipped on or about November 8, 1940, and March 11, 1941, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the large amount of stems and flower buds and (14 cases only) that was also somewhat gritty. The article was labeled in part: (Cans) "Net Weight 1 Lb. 11 Oz. [or (cans in 22 cases) "1 Lb. 2 Oz." Plee-Zing Fancy Maryland Spinach Packed For Plee-Zing, Inc. Chicago, Ill."

On June 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2244. Misbranding of canned spinach. U. S. v. 10 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 4801. Sample No. 42728-E.)**

This product was not of Fancy quality, as labeled, because of the large proportion of stems, including flowering stalks and some flower buds.

On May 20, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 10 cases, each containing 24 cans, of spinach at Warren, Pa., alleging that the article had been shipped by the Perfection Canning Co., Inc., from Newark, N. Y., on or about July 25, 1940; and charging that it was misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the large proportion of stems, including flowering stalks and some flower buds. It was labeled in part: (Cans) "Perfection Fancy Spinach Contents 1 Lb. 11 Oz."

On June 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2245. Adulteration of canned turnip greens. U. S. v. 11 Cases and 9 Cases of Canned Turnip Greens. Default decrees of condemnation and destruction. (F. D. C. No. 5079. Sample No. 49603-E.)**

Examination showed that this product contained insects and insect fragments.

On July 3 and August 5, 1941, the United States attorney for the Eastern District of Louisiana filed libels against 20 cases, each containing 24 No. 2 cans, of turnip greens at New Orleans, La., alleging that the article had been shipped on or about May 12, 1941, by the Deer Island Fish & Oyster Co. from Bayou La Batre, Ala.; and charging that it was adulterated in that it consisted wholly



or in part of a filthy substance. The article was labeled in part: "Gulf's Best Brand Turnip Greens."

On August 27, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2246. Adulteration of canned turnip tops with diced roots. U. S. v. 19 Cases of Turnip Tops with Diced Roots. Default decree of condemnation and destruction. (F. D. C. No. 4938. Sample No. 49099-E.)**

The turnip tops in this product were infested with aphids.

On June 16, 1941, the United States attorney for the Southern District of Alabama filed a libel against 19 cases, each containing 24 No. 2 cans, of turnips and turnip tops at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about February 23, 1941, from St. Martinville, La., by Evangeline Pepper & Food Products; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Bulliard's Evangeline Brand Turnip Tops with Diced Roots."

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**TOMATO PRODUCTS**

Nos. 2247 to 2250 report actions based on interstate shipment of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

**2247. Adulteration of tomato puree and tomato catsup. U. S. v. Perry Canning Co. Plea of guilty. Fine, \$34. (F. D. C. No. 2917. Sample Nos. 6011-E, 6526-E, 6810-E, 70979-D, 97247-D, 97312-D, 97365-D, 97367-D to 97370-D, incl.)**

On August 9, 1941, the United States attorney for the District of Utah filed an information against the Perry Canning Co., a corporation, Perry, Utah, alleging that within the period from on or about August 4, 1939, to February 16, 1940, the defendant delivered for introduction in interstate commerce into the States of Idaho and Wyoming quantities of tomato catsup that was adulterated, and that on or about May 18, 1940, the defendant introduced and delivered for introduction in interstate commerce a quantity of tomato puree that was adulterated. The articles were labeled in part: "Dreher's Tomato Puree \* \* \* Packed for The Dreher Pickle Company Denver Colorado \* \* \* 6 lbs. 8 oz."; "Gateway Brand Net Weight 1 Lb. 14 Oz. Tomato Catsup"; "Olson's Royal Brand \* \* \* 1 Lb. 14 Oz. Tomato Catsup H. D. Olson and Son \* \* \* Ogden Utah"; or "Nation's Garden Brand Tomato Catsup \* \* \* 6 Lbs. 12 Oz. Packed for Fine Foods Inc. Seattle Minneapolis."

The tomato puree and a portion of the tomato catsup were alleged to be adulterated in that they consisted in whole or in part of decomposed substances; the remainder of the tomato catsup was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On August 9, 1941, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$25 on the first count and \$1 on each additional count, totaling \$34.

**2248. Adulteration of tomato puree. U. S. v. 15 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 5150. Sample No. 5375-E.)**

On July 15, 1941, the United States attorney for the Eastern District of Tennessee filed a libel against 15 cases, each containing 24 No. 2 cans, of tomato puree at Jellico, Tenn., alleging that the article had been shipped in interstate commerce on or about September 16 and October 12, 1940, by Morgan Packing Co. from Austin, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Scott Co. Brand Tomato Puree."

On August 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2249. Adulteration of tomato paste. U. S. v. 197 Cartons and 204 Cartons of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 3451, 3452. Sample Nos. 19965-E, 19969-E.)**

On December 2, 1940, the United States attorney for the Western District of Pennsylvania filed libels against 401 cartons, each containing 10 cans, of tomato paste at Bradford, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about September 16 to on or about October 2, 1940, by the Helen Packing Corporation from North Collins, N. Y.; and charging that it was adulterated in that it consisted in whole or in



part of a decomposed substance. The article was labeled in part: (Cans) "Net Wt. 6 Oz. Ital-Ana Brand Tomato Paste with Sweet Basil."

On August 14 and 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2250. Adulteration of chili sauce. U. S. v. 135 Cases of Chili Sauce. Default decree of condemnation and destruction.** (F. D. C. No. 4889. Sample Nos. 65043-E, 65050-E.)

On June 9, 1941, the United States attorney for the District of Colorado filed a libel against 135 cases, each containing 6 No. 10 cans, of chili sauce at Denver, Colo., which had been consigned by Norman L. Waggoner, Inc., alleging that the article had been shipped in interstate commerce on or about April 2, 1941, from Hemet, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Kern's Fancy Chili Sauce."

On August 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2251. Adulteration of chili sauce. U. S. v. 40 Cases of Chili Sauce. Default decree of condemnation and destruction.** (F. D. C. No. 4880. Sample No. 60265-E.)

Examination showed that this product contained worm and insect fragments.

On June 5, 1941, the United States attorney for the Western District of Washington filed a libel against 40 cases, each containing 24 bottles, of chili sauce at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 3, 1941, by Tiedemann & McMorran from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bottles) "Kern's Pure Chili Sauce Net Wt. 12 Oz."

On August 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FRUIT PRODUCTS

**2252. Adulteration and misbranding of vinegar. U. S. v. Robert H. Ball (Ball Products Co.). Plea of guilty. Fine, \$20.** (F. D. C. No. 4145. Sample No. 29233-E.)

This product was adulterated and misbranded because distilled vinegar or dilute acetic acid had been substituted for cider vinegar, which it purported to be.

On June 21, 1941, the United States attorney for the Southern District of Ohio filed an information against Robert H. Ball, trading as Ball Products Co. at Dayton, Ohio, alleging shipment within the period from on or about November 26 to December 11, 1940, from the State of Ohio into the State of Kentucky of quantities of vinegar that was adulterated and misbranded. It was labeled in part: "Ball Brand Cider Vinegar."

The article was alleged to be adulterated (1) in that distilled vinegar or dilute acetic acid had been substituted in whole and in part for cider vinegar, which it purported to be; and (2) in that distilled vinegar or dilute acetic acid had been mixed or packed therewith so as to reduce its quality and strength.

It was alleged to be misbranded in that the statements "Superior Quality \* \* \* Cider Vinegar Reduced to 4% Acidity," borne on the bottle label, were false and misleading since it was not of superior quality and did not consist of cider vinegar reduced to 4 percent acidity, but did consist in whole and in part of distilled vinegar or dilute acetic acid. It was alleged to be misbranded further in that it was offered for sale under the name of another food, i. e., cider vinegar.

On June 28, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$10 on each of the two counts of the information, totaling \$20.

**2253. Adulteration of apple butter. U. S. v. 24 Cases of Apple Butter. Default decree of condemnation and destruction.** (F. D. C. No. 4387. Sample No. 55619-E.)

Examination of this product disclosed the presence of rodent hairs, spiders, and insect fragments.

On April 18, 1941, the United States attorney for the District of Oregon filed a libel against 24 cases, each containing 6 No. 10 cans, of apple butter at Portland, Oreg., alleging that the article had been shipped on or about March 20, 1941, by the Pacific Food Products Co. from Seattle, Wash.; and charging that it was



adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Sunny Jim Pure Apple Butter."

On June 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2254. Adulteration of lekvar, diced mixed fruit, and apricot jam. U. S. v. 2 Pails of Lekvar, 1 Tin of Carson Diced Mixed Fruit, and 3 Pails of Apricot Jam. Default decree of condemnation and destruction. (F. D. C. No. 4974. Sample Nos. 56687-E to 56689-E, incl.)**

Examination of these products showed that they were contaminated with filth, insect fragments having been found in all three, rodent hairs in the lekvar and jam, wood splinters in the lekvar, and metal fragments in the lekvar and diced fruit.

On or about June 24, 1941, the United States attorney for the District of Connecticut filed a libel against the above-named articles at Bridgeport, Conn., alleging that they had been shipped in interstate commerce by Vienna Extract Co., Inc., from Brooklyn, N. Y., the lekvar and diced fruit on or about May 8, 1941, and the jam on or about May 12, 1941; and charging that they were adulterated. They were labeled in part: "D. L. Brand Lekvar Net Weight 60 lbs.," "'Carson' Diced Mixed Fruit \* \* \* 60 lbs. net," and "Pure Apricot Jam \* \* \* 30 pounds."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2255. Adulteration and misbranding of preserves. U. S. v. 6 Cases, 5 Cases, and 5 Cases of Preserves. Default decree of condemnation and destruction. (F. D. C. No. 5142. Sample Nos. 53910-E to 53912-E, incl.)**

These products failed to comply with the requirements set forth in the definition and standard of identity for fruit preserves prescribed by regulations as provided by law. The strawberry preserves were insufficiently cooked, as evidenced by the fact that their soluble solids content was less than 68 percent, and the raspberry and the apricot preserves contained less than 45 percent by weight of fruit.

On July 15, 1941, the United States attorney for the District of Nevada filed a libel against 16 cases, each containing 12 jars, of preserves at Las Vegas, Nev., alleging that the articles had been shipped on or about March 30, 1941, by the Diamond-T Preserving Co. from Los Angeles, Calif.; and charging that they were adulterated and misbranded. They were labeled in part: "D-Lite Brand Pure Strawberry [or "Raspberry" or "Apricot"] Preserves Net Wt. 2#."

The strawberry preserves were alleged to be adulterated in that an insufficiently concentrated mixture of fruit and sugar that contained a smaller percentage of soluble solids than that required in the definition and standard of identity for fruit preserves, had been substituted wholly or in part for strawberry preserves. The raspberry and the apricot preserves were alleged to be adulterated in that articles deficient in fruit had been substituted wholly or in part for raspberry and apricot preserves.

The strawberry preserves were alleged to be misbranded in that the name "Pure Strawberry Preserves" was false and misleading as applied to an article that was insufficiently concentrated, since the soluble solids content of the finished preserve was less than 68 percent. The raspberry and the apricot preserves were alleged to be misbranded (1) in that the names "Pure Raspberry Preserves" and "Pure Apricot Preserves" were false and misleading as applied to articles deficient in fruit; (2) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "Imitation," and immediately thereafter the names of the foods imitated; and (3) in that they purported to be foods for which definitions and standards of identity had been prescribed, but failed to conform to such definitions and standards.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2256. Adulteration of strawberry preserves. U. S. v. 74 Cartons of Strawberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 3383. Sample No. 55006-E.)**

Examination showed the presence of moldy berries in this product.

On November 18, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 74 cartons, each containing 6 No. 10



cans, of strawberry preserves at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about October 23, 1940, by Hunt Bros. Packing Co. from Puyallup, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Can) "Famous Puyallup Brand Pure Fresh Fruit Strawberry Preserves Contents 8 Lbs. Pacific North West Canning Co. Puyallup, Washington, Distributors."

On July 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FROZEN FRUITS

**2257. Adulteration of frozen cherries. U. S. v. 40 Cans of Frozen Cherries. Default decree of condemnation and destruction. (F. D. C. No. 5242. Sample No. 53172-E.)**

Examination showed that this product contained maggots.

On July 28, 1941, the United States attorney for the Southern District of California filed a libel against 40 cans of frozen cherries at Los Angeles, Calif., alleging that the article had been shipped on or about July 19, 1941, by S. A. Moffett Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Can top) "Cherries 10 Lbs. Net."

On August 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2258. Adulteration of frozen strawberries. U. S. v. 10 Barrels of Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 4303. Sample Nos. 47416-E, 47420-E.)**

Examination of this product disclosed the presence of moldy berries.

On April 17, 1941, the United States attorney for the Northern District of Illinois filed a libel against 10 barrels of frozen strawberries at Chicago, Ill., alleging that the article had been shipped on or about December 9, 1940, by R. D. Bodle Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Marshall Strawberries."

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### DRIED FRUITS

Nos. 2259 to 2270 report the seizure and disposition of dried fruits (apricots, currants, dates, figs, peaches, pears, prunes, or raisins) that were insect-infested.

**2259. Adulteration of dried apricots. U. S. v. 8 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. D. C. No. 4524. Sample No. 22163-E.)**

On May 8, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 8 cases of dried apricots at Philadelphia, Pa., alleging that the article had been shipped on or about April 9, 1941, by John Leonard from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Cases) "50 Lbs. Net Dried Apricots Unsulphured."

On June 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2260. Adulteration of dried apricots. U. S. v. 50 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. D. C. No. 5330. Sample No. 22639-E.)**

Examination of this product disclosed the presence of rodent hairs and excreta as well as insect infestation.

On August 7, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 50 cases, each containing 25 pounds, of dried apricots at Philadelphia, Pa., alleging that the article had been shipped on or about August [July] 7, 1941, by Port of Stockton from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Alma Brand Northern Tilton Slabs Apricots Puccinelli Packing Co. Turlock California."

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2261. Adulteration of currants. U. S. v. 6 Cases of Currants. Default decree of condemnation and destruction. (F. D. C. No. 5985. Sample No. 22743-E.)**

On October 8, 1941, the United States attorney for the District of Nevada filed a libel against 6 cases, each containing 50 cartons, of currants at Reno, Nev., alleging that the article had been shipped on or about November 20, 1940, by the American Trading Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Carton) "Otzen's Imported Grecian Currants, Packed by Otzen Packing Co. San Francisco, Calif. 15 Oz. Net."

On November 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2262. Adulteration of pitted dates. U. S. v. 826 Packages and 64 Packages of Pitted Dates. Default decree of condemnation and destruction. (F. D. C. No. 5684. Sample No. 74502-E.)**

On September 17, 1941, the United States attorney for the Southern District of New York filed a libel against 826 4-ounce packages and 64 8-ounce packages of pitted dates at New York, N. Y., alleging that the article had been shipped on or about August 19, 1941, by H. L. Singer Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Product of Irak Black Palm Pitted Dates \* \* \* Packed By Smyrna Imports Co., Inc. New York City, N. Y."

On October 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2263. Adulteration of dried figs. U. S. v. 25 Cases of Dried Figs. Default decree of condemnation and destruction. (F. D. C. No. 4519. Sample No. 22157-E.)**

This product was moldy as well as insect-infested.

On April 29, 1941, the United States attorney for the Western District of Washington filed a libel against 25 cases of dried figs at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 4, 1941, by Goebel Pratt Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "25 Lbs. Net Fancy White Ribbon White Figs."

On June 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2264. Adulteration of dried peaches. U. S. v. 100 Cases of Dried Peaches. Default decree of condemnation and destruction. (F. D. C. No. 4734. Sample No. 21687-E.)**

On May 19, 1941, the United States attorney for the Southern District of New York filed a libel against 100 cases, each containing 25 pounds, of dried peaches at New York, N. Y., alleging that the article had been shipped on or about April 17, 1941, by Felix Braun & Co., San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sunripe Brand Choice Recleaned Yellow Peaches."

On September 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2265. Adulteration of dried peaches. U. S. v. 400 Cases of Dried Peaches. Default decree of condemnation and destruction. (F. D. C. No. 5148. Sample No. 22004-E.)**

On July 16, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 400 cases, each containing 25 pounds, of dried peaches at Philadelphia, Pa., alleging that the article had been shipped on or about June 14, 1941, by Libby, McNeil & Libby from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden-Glory Brand Recleaned Standard Yellow Peaches."

On October 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2266. Adulteration of evaporated peaches. U. S. v. 237 Boxes of Evaporated Peaches. Default decree of condemnation and destruction. (F. D. C. No. 4843. Sample No. 37173-E.)**

On or about May 29, 1941, the United States attorney for the Northern District of Georgia filed a libel against 237 boxes of evaporated peaches at



Atlanta, Ga., alleging that the article had been shipped on or about October 4, 1939, by Stanislaus Fruit Growers from Modesto, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "25 Lbs. Net \* \* \* Avena Brand Choice Cling Peaches."

On July 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2267. Adulteration of dried pears. U. S. v. 40 Cases of Dried Pears. Default decree of condemnation and destruction.** (F. D. C. No. 5296. Sample No. 22193-E.)

On August 8, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 40 cases of dried pears at Norfolk, Va., alleging that the article had been shipped on or about July 15, 1941, by Guggenlime & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cases) "25 Lbs. Net Daphne Brand California Dried Choice Halved Pears."

On September 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2268. Adulteration of dried prunes. U. S. v. 26 Boxes of Dried Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 5102. Sample No. 37344-E.)

On July 7, 1941, the United States attorney for the Southern District of Florida filed a libel against 26 25-pound boxes of dried prunes at Miami, Fla., alleging that the article had been shipped on or about January 8 and March 19, 1941, by California Prune & Apricot Growers Association from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Sunsweet Nature Flavored Tree Ripened Prunes."

On August 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2269. Adulteration of dried prunes. U. S. v. 9 Cases of Dried Prunes. Default decree of forfeiture and destruction.** (F. D. C. No. 5134. Sample No. 60363-E.)

This product contained rodent hairs in addition to insect fragments and larvae.

On July 14, 1941, the United States attorney for the District of Idaho filed a libel against 9 cases of dried prunes at Lewiston, Idaho, alleging that the article had been shipped on or about April 7, 1941, by Mason Ehrman Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Gold Nugget Brand 25 Lbs. Net Weight Italian Prunes Cured and Packed by Dayton Evaporating & Packing Co."

On August 12, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2270. Adulteration of raisins. U. S. v. 32 Cartons of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 5823. Sample No. 64171-E.)

On September 22, 1941, the United States attorney for the Northern District of Ohio filed a libel against 32 cartons of raisins at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about February 11, 1941, by Sunland Sales Cooperative Association, Fresno, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "25 Lbs. Net Sun-Maid Bakery Type Thompson Seedless Raisins."

On October 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2271. Misbranding of dates. U. S. v. 31 and 36 Cartons of Dates. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 3583. Sample Nos. 34129-E, 34130-E.)

These products were packed in open-top cellophane-wrapped cardboard boxes. The boxes were of two sizes, 5 ounces and 14 ounces, respectively. The smaller size contained 12 dates in the top layer and an average of but 7 dates in the



lower, and the larger size contained an average of 36 dates in the top layer and but 22 dates in the lower.

On December 26, 1940, the United States attorney for the District of New Jersey filed a libel against 67 cartons of dates at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 7, 1940, by B. M. Reeves from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Uco \* \* \* Pitted [or "Selected"] Dates."

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

## POULTRY

Nos. 2272 to 2275 report the seizure and disposition of poultry that consisted in part of diseased birds.

**2272. Adulteration of poultry. U. S. v. 49 Boxes and 22 Boxes of Poultry. Consent decree of condemnation. Product ordered released under bond for segregation of good poultry from bad.** (F. D. C. Nos. 3818, 3819. Sample Nos. 46644-E to 46674-E, incl.)

On February 17, 1941, the United States attorney for the Southern District of New York filed libels against 71 boxes of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about November 15 to December 18, 1940, by Anamosa Poultry & Egg Co. from Anamosa, Iowa; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On March 1 and 7, 1941, no claimant having appeared, defaults were noted but were subsequently vacated as to the Land O'Lakes Creameries upon the entry of an appearance and claim by that firm. On June 17, 1941, the cases having been consolidated and the claimant having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond conditioned that the poultry fit for human consumption be separated from that which was diseased and that the latter be destroyed.

**2273. Adulteration of poultry. U. S. v. 25 Boxes of Poultry. Default decree of condemnation and destruction.** (F. D. C. Nos. 4044, 4045, 4046. Sample Nos. 56201-E to 56209-E, incl., 56215-E to 56219-E, incl.)

On March 25, 1941, the United States attorney for the Northern District of New York filed a libel against 25 boxes of poultry at Syracuse, N. Y., alleging that 15 boxes of the article had been shipped by Wilson & Co. from Cedar Rapids, Iowa, and Faribault, Minn., on or about November 25 and December 26, 1940, 7 boxes by G. W. Blackburn & Co. from Fairfield, Ill., on or about December 20, 1940, and 3 boxes by the Nevada Poultry Co. from Nevada, Iowa, on or about December 27, 1940; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. It was labeled in part: "Choice Brand Poultry Fowl [or "Roasting Chickens" or "Frying Chickens"] Wilson & Company Distributors Chicago, Ill."

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2274. Adulteration of poultry. U. S. v. 2 Boxes of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 3715. Sample No. 46343-E.)

On January 24, 1941, the United States attorney for the District of New Jersey filed a libel against 2 boxes of poultry at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about November 15, 1940, by Dalton Cooperative Creamery Association from Dalton, Minn.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2275. Adulteration of poultry. U. S. v. 8 Barrels of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 4793. Sample No. 40909-E.)

Examination of this product showed the presence of decomposed as well as of diseased poultry.

On May 19, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 8 barrels of poultry at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 11,



1941, by the Eagle Poultry Co. from Frankford, Del.; and charging that it was adulterated. The article was labeled in part: "Ed Scheer Phila Pa AAAA."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, the product of diseased animals.

On June 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### NUTS AND NUT PRODUCTS

**2276. Adulteration of pecan meats. U. S. v. 35 Cases of Shelled Pecans. Default decree of condemnation and destruction.** (F. D. C. No. 4418. Sample No. 47453-E.)

Examination showed that this product contained insect larvae.

On April 23, 1941, the United States attorney for the Northern District of Illinois filed a libel against 35 cases of pecans at Chicago, Ill., alleging that the article had been shipped on or about March 13, 1941, by Durham Pecan & Peanut Co. from Comanche, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "60 Lbs. Net Weight Chief Brand Shelled Pecans Pecan Granules."

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2277 to 2281 report the seizure and disposition of nut meats that were contaminated with fecal *Escherichia coli*.

**2277. Adulteration of pecan meats. U. S. v. 12 Cases and 4 Cases of Pecan Meats. Default decree of forfeiture and destruction.** (F. D. C. No. 3805. Sample No. 29426-E.)

On February 11, 1941, the United States attorney for the Middle District of Tennessee filed a libel against 12 cases each containing 25 pounds, and 4 cases each containing 50 pounds, of pecan meats at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about December 13, 1940, and January 18, 1941, by W. W. Massey from Dawson, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Roy Rascoe & Co.—Shelled Pecan Pieces [or "Halves"]."

On June 25, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2278. Adulteration of pecan meats. U. S. v. 55 Cases and 10 Cases of Shelled Pecans. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4392, 4446. Sample Nos. 24891-E, 24893-E.)

On April 18 and 22, 1941, the United States attorneys for the Eastern and Western Districts of Pennsylvania filed libels against 55 cases of shelled pecans at Philadelphia, Pa., and 10 cases of the same product at Altoona, Pa., alleging that the article had been shipped on or about February 12 and April 9, 1941, by the Southern Pecan Co., Inc., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Selected Shelled Pecans, 60 Lbs. Net Weight."

On June 9 and 17, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2279. Adulteration of pecan pieces. U. S. v. 11 Cartons of Pecan Pieces. Default decree of condemnation and destruction.** (F. D. C. No. 3856. Sample No. 50198-E.)

On February 25, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 11 cartons, each containing 50 pounds, of pecan pieces at Richmond, Va., alleging that the article had been shipped on or about January 30, 1941, by Southern Edible Products Co. from Albany, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Bessire & Co. Inc. Richmond, Va."

On June 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2280. Adulteration of black walnut meats. U. S. v. 4 Packages and 2 Cases of Black Walnuts. Default decree of condemnation and destruction.** (F. D. C. No. 4419. Sample Nos. 65449-E, 65450-E.)

This product was contaminated with rodent hairs and insect fragments as well as with *E. coli*.



On April 23, 1941, the United States attorney for the District of Colorado filed a libel against 4 packages and 2 cases of black walnut meats at Denver, Colo., consigned by the Benton County Produce Co., alleging that the article had been shipped in interstate commerce on or about February 26, 1941, from Rogers, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "28 Lb. Net" or "5# Blk Walnuts" or "25 Granules."

On June 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2281. Adulteration of black walnut meats. U. S. v. 15 Cartons of Black Walnut Meats. Default decree of condemnation and destruction.** (F. D. C. No. 4520. Sample No. 43347-E.)

On April 28, 1941, the United States attorney for the Western District of Missouri filed a libel against 15 cartons, each containing 25 pounds, of walnut meats at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 17, 1941, by the Benton County Produce Co. from Rogers, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**PEANUT BUTTER**

**2282. Adulteration of peanut butter. U. S. v. 21 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 4798. Sample No. 37918-E.)

Examination showed that this product contained dirt and rodent hair fragments.

On May 21, 1941, the United States attorney for the Western District of South Carolina filed a libel against 21 cases, each containing 24 jars, of peanut butter at Greenville, S. C., alleging that the article had been shipped on or about April 16, 1941, by Crown Food Products Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Jars) "Jolly Good Peanut Butter \* \* \* 8 oz."

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2283. Adulteration and misbranding of peanut butter. U. S. v. 36 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 4861. Sample No. 22278-E.)

Samples of this product were found to contain rodent hair, insect fragments, and dirt, and to be short of the declared weight.

On June 4, 1941, the United States attorney for the District of Nevada filed a libel against 36 cases of peanut butter at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about February 27, 1940, by Lang & Stroh Co. from San Francisco, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "1 Lb. 8 Oz. Net Jo-Jo Brand Peanut Butter \* \* \* Producers Peanut Co., Inc., Suffolk, Va."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the statement "1 Lb. 8 Oz. Net" was false and misleading since it was incorrect; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2284. Misbranding of peanut butter. U. S. v. 18 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 4890. Sample No. 37657-E.)

This product was short of the declared weight.

On June 6, 1941, the United States attorney for the Southern District of Georgia filed a libel against 18 cases of peanut butter at Dublin, Ga., alleging that the article had been shipped in interstate commerce on or about April 7, 1941, by Jaxon Foods, Inc., from Jacksonville, Fla.; and charging that it was misbranded. The article was labeled in part: (Jars) "Jaxon Brand Net Wt. 2 Lbs. Peanut Butter."



The article was alleged to be misbranded in that the statement "Net Wt. 2 Lbs." was false and misleading as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

### VEGETABLE OILS

**2285. Adulteration and misbranding of olive oil. U. S. v. 30 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 4910. Sample No. 40474-E.)**

This product consisted essentially of cottonseed oil, containing little, if any, olive oil.

On June 11, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 30 cases of olive oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 29, 1941, by P. J. Devine from Wilmington, Del.; and charging that it was adulterated and misbranded. The article was labeled in part: "Virgin Olive Oil Superfine Brand."

It was alleged to be adulterated in that an article consisting essentially of cottonseed oil, containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

The article was alleged to be misbranded in that the following statements were false and misleading as applied to an article consisting essentially of cottonseed oil, containing little, if any, olive oil: (Can) "Italian Product Imported Virgin Olive Oil \* \* \* Lucca Italy"; "This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes [and similar statements in Italian]." It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On June 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2286. Adulteration and misbranding of olive oil. U. S. v. Certain Quantities [58 Cans] of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3511. Sample Nos. 46381-E, 46382-E, 46383-E.)**

This product was represented to be pure olive oil whereas it was an imitation olive oil consisting of artificially flavored and colored cottonseed oil containing little or no olive oil. It not only was falsely represented to be pure olive oil; but its label did not bear the name and address of the manufacturer, packer, or distributor.

On December 12, 1940, the United States attorney for the Middle District of Pennsylvania filed a libel against 58 cans of olive oil at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about November 27, 1940, by Ruggiero Marino from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part variously: "One Gallon Italian Produce Sublime Olive Oil"; "Roberta Brand Pure Olive Oil"; or "Pulcella Brand Guaranteed Pure Olive Oil."

The article was alleged to be adulterated in that artificially flavored and colored cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil; in that inferiority had been concealed by the addition of artificial flavor or color; and in that artificial flavoring or coloring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the following statements and designs were false and misleading since they were incorrect: (Sublime Olive Oil) "Pure Imported Olive Oil \* \* \* Italian Produce Sublime Olive Oil Imported Acomo Fo Lucca \* \* \* This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes [similar statements in Italian]"; (Roberta brand) "Imported from Italy \* \* \* Pure Olive Oil Imported from Lucca Toscana Italy [similar statements in Italian and design of olive branches and olives] This Olive Oil is guaranteed to be absolutely pure under chemical analysis [similar statement in several foreign languages]"; (Pulcella brand) "Imported Pure Olive Oil \* \* \* Guaranteed Pure Olive Oil Extra Fine Imported Lucca Italy [similar statements in Italian and design of olive branches and olives and of a woman in foreign costume]. We guarantee our olive oil to be absolutely pure under any chemical



analysis—insuperable for table use and excellent for medicinal purposes [similar statements in Italian]. The article was alleged to be misbranded further in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word “imitation” and immediately thereafter the name of the food imitated; in that it was in package form and failed to bear the name and place of business of the manufacturer, packer, or distributor; and in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On June 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2287. Adulteration and misbranding of olive oil. U. S. v. 2 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 4727. Sample No. 55638-E.)**

This product was represented to be pure olive oil but contained approximately 20 percent of cottonseed oil.

On or about May 13, 1941, the United States attorney for the District of Oregon filed a libel against 2 cases of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 13, 1941, by Matteucci & Vannucci Co., Inc., from San Francisco, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: “Pisa Brand Imported Pure Olive Oil.”

The article was alleged to be adulterated in that a substance, cottonseed oil, had been substituted in part therefor.

It was alleged to be misbranded (1) in that the statements “Pisa \* \* \* Imported Pure Olive Oil” and “Pisa Brand Olive Oil is a pure oil pressed from Selected Olives” were false and misleading as applied to an article which contained 20 percent of domestic cottonseed oil; (2) in that it was offered for sale under the name of another food, namely, olive oil; (3) in that it was a food consisting of a mixture of olive oil and cottonseed oil, and its label did not bear the common or usual name of said food; and (4) in that its label did not bear the common or usual name of each ingredient.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2288. Adulteration and misbranding of olive oil. U. S. v. 239 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3964. Sample Nos. 36283-E to 36287-E, incl.)**

This product was represented to be pure olive oil but was found to consist of artificially flavored and colored cottonseed oil or some oil other than olive oil.

On March 12, 1941, the United States attorney for the District of Massachusetts filed a libel against 289 cases of olive oil at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about January 6 and 17, 1941, by the Standard Pickle Co. from New Britain, Conn.; and charging that it was adulterated and misbranded. It was labeled in part: “Pure Olive Oil Sweet Life,” or “Nessco Brand Pure Olive Oil.”

The article was alleged to be adulterated (1) in that artificially flavored and colored cottonseed oil or (37 cases) oil other than olive oil had been substituted wholly or in part for pure olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement “Pure Olive Oil” was false and misleading; (2) in that it was an imitation of another food and the label failed to bear, in type of uniform size and prominence, the word “imitation” and, immediately thereafter, the name of the food imitated; (3) in that it was offered for sale under the name of another food; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On May 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2289. Adulteration and misbranding of vegetable oil. U. S. v. 43 Bottles and 13 Jugs of Oil. Default decree of condemnation and destruction. (F. D. C. No. 3965. Sample Nos. 46195-E, 46196-E.)**

This product was an artificially flavored and artificially colored mixture of cottonseed oil and an oil similar to corn oil and contained little or no olive oil.



On March 12, 1941, the United States attorney for the District of New Jersey filed a libel against 43 bottles and 13 jugs of vegetable oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 20 and December 2, 1940, and January 14, 1941, by Saporito Pure Oil Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Saporito Brand Sublime Fine Oil"; (jugs) "Saporito Brand Superfine Oil"; and (both) "Choice Corn and Imported Olive Oil."

The article was alleged to be adulterated (1) in that an artificially flavored and artificially colored mixture of cottonseed oil and an oil similar to corn oil, containing little or no olive oil, had been substituted wholly or in part for "Choice Corn and Imported Olive Oil," which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and color; (3) in that artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

The article was alleged to be misbranded (1) in that the statement "Choice Corn and Imported Olive Oil" was false and misleading as applied to such a product; (2) in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter the name of the food imitated; and (3) in that it contained artificial flavoring and did not bear labeling stating that fact.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### CANDY

**2290. Adulteration of candy. U. S. v. Albert Boggiano (Independent Candy Co.).**  
**Plea of guilty. Fine, \$100.** (F. D. C. No. 2982. Sample Nos. 39437-E to 39441-E, incl., 39449-E to 39451-E, incl.)

Samples of this product were found to contain rodent hairs and excreta, insects, insect fragments, and larvae.

On May 13, 1941, the United States attorney for the Western District of Tennessee filed an information against Albert Boggiano, trading as Independent Candy Co., Memphis, Tenn., alleging shipment within the period from on or about September 4 to on or about October 12, 1940, from the State of Tennessee into the State of Arkansas of quantities of candy that was adulterated. The article was labeled in part variously: "Big Jim Candy Bar," "Big Sticks Assorted," "Big Joe Peppermint Stick," "Big Joe Peanut Butter Stick," and "Cocoanut Squares."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On June 28, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

**2291. Adulteration of candy. U. S. v. 35 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5008. Sample No. 40829-E.)

This product contained rodent hairs.

On June 28, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 35 boxes of candy at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 23, 1941, by Close & Co. from Chicago, Ill.; and charging that it was adulterated. It was labeled in part: (Boxes) "United All American Pop."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2292. Adulteration of candy. U. S. v. 54 Boxes and 27 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4840, 5152. Sample Nos. 42440-E, 51344-E.)

Examination showed this product to contain rodent excreta and rodent hairs.

On May 28 and July 16, 1941, the United States attorneys for the District of Maine and the Western District of Pennsylvania filed libels against 54



boxes of candy at Waterville, Me., and 27 boxes of candy at Homestead, Pa., alleging that the article had been shipped in interstate commerce on or about March 19 and May 21, 1941, by D'Orlando & Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Joan Dee Candies Assortment" or "100 Count Pie Plates."

On June 17 and August 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2293. Adulteration of candy. U. S. v. 30 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5020. Sample No. 29847-E.)

This product contained insects and rodent hairs.

On June 26, 1941, the United States attorney for the Southern District of Indiana filed a libel against 30 cartons of candy at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about May 13, 1941, by the Eavey Co. from Xenia, Ohio; and charging that it was adulterated. The article was labeled in part: (Cartons) "Captain Chocolate Drops."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2294. Adulteration of candy. U. S. v. 1½ Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3829. Sample No. 37311-E.)

This product contained rodent hairs and insect fragments.

On February 15, 1941, the United States attorney for the Middle District of Georgia filed a libel against 1½ cartons of candy at Macon, Ga., alleging that the article had been shipped in interstate commerce on or about November 28, 1940, by S. H. Kress & Co. from Columbia, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The cartons of candy were labeled in part: "22 lbs. Peanut Squares."

On March 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2295. Adulteration of candy. U. S. v. 10 Cases and 8 Cases of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3542. Sample No. 37720-E.)

This product contained rodent hairs and insect fragments.

On December 19, 1940, the United States attorney for the Middle District of North Carolina filed a libel against 18 cases of candy at Salisbury, N. C., alleging that the article had been shipped in interstate commerce on or about November 20, 1940, by the Meadors Manufacturing Co. from Greenville, S. C.; and charging that it was adulterated. The article was labeled in part: "72 Assorted Fudge" or "72 Chocolate M M Squares."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2296. Adulteration of candy. U. S. v. 222 Cartons, 84 Cartons, 25 Boxes, 28 Boxes, and 80 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4855, 5018, 5261, 5278, 5350. Sample Nos. 51395-E, 51396-E, 56556-E to 56558-E, incl., 59524-E, 59526-E, 59527-E, 69540-E.)

Examination of this product showed that it was contaminated with filth. All lots contained rodent hairs, and certain lots also contained insect fragments and rodent excreta.

Between June 2 and August 12, 1941, the United States attorneys for the Eastern District of New York, the District of Columbia, the District of Maryland, and the District of Massachusetts filed libels against the following amounts of candy: 306 cartons at Brooklyn, N. Y.; 25 boxes at Washington, D. C.; 28 boxes at Baltimore, Md.; and 80 boxes at Cambridge, Mass., alleging that the article had been shipped by F. M. Paist Co. from Philadelphia, Pa., within the period from on or about April 11 to on or about July 22, 1941; and charging that it



was adulterated. It was labeled in part: "100 Count \* \* \* Mell-O-Pop," "180 Ct. [or "120 Count"] Delicious Wrapped Confections," "120 Pieces [or "80 Count"] 1¢ each \* \* \* Pinwheels"; "Zebras 160 Count"; or "160 [or "200"] Count Pals."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Between August 12 and October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2297. Adulteration of candy. U. S. v. 152 Boxes and 47 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5412. Sample Nos. 48078-E, 48079-E.)

This product contained rodent hair fragments, insect fragments, and miscellaneous dirt.

On August 21, 1941, the United States attorney for the Northern District of Georgia filed a libel against 199 boxes of candy at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 1, 1941, by the Specialty Candy Co. from Baltimore, Md.; and charging that it was adulterated. The article was labeled in part: (Boxes) "80 Count Hilltopper Delicious Pops \* \* \* Assorted Cocoanut [or "Cherry"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2298. Adulteration of candy. U. S. v. 6 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4860. Sample No. 60780-E.)

This product contained rodent hairs and insect fragments.

On June 3, 1941, the United States attorney for the Eastern District of Washington filed a libel against 6 cartons of candy at Wenatchee, Wash., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, by SweeTarts, from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "SweeTarts Krunch."

On August 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

**2299. Adulteration and misbranding of lemon extract and vanilla extract. U. S. v. 1 Dozen Bottles of Lemon Extract and 14 Dozen Bottles of Vanilla Extract. Default decree of condemnation and destruction.** (F. D. C. No. 3939. Sample Nos. 16902-E, 16916-E.)

The lemon extract was an imitation product consisting in part of alcohol, water, and citral. The vanilla extract contained added foreign resins. The bottles of both products were deceptive since the glass was too thick and they were too tall for their capacity.

On or about March 12, 1941, the United States attorney for the Western District of Missouri filed a libel against 1 dozen bottles of lemon extract and 14 dozen bottles of vanilla extract at Kansas City, Mo., alleging that the articles had been shipped in interstate commerce on or about September 28, 1940, by LaSalle Manufacturing Co. from Chicago, Ill.; and charging that they were adulterated and misbranded. The articles were labeled in part: (Bottles) "Florence Nightingale Brand Pure Lemon Extract [or "Vanilla Flavor"]."

The lemon extract was alleged to be adulterated in that an imitation lemon extract consisting in part of alcohol, water, and citral had been substituted wholly or in part for "Pure Lemon Extract"; in that it had been mixed in a manner whereby inferiority had been concealed; and in that a substance, citral, had been added thereto or mixed or packed therewith so as to reduce its quality or make it appear better or of greater value than it was.

The vanilla extract was alleged to be adulterated in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Vanilla Extract"; in that inferiority had been concealed through the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.



The lemon extract was alleged to be misbranded in that the statement "Pure Lemon Extract 85% Alcohol" was false and misleading as applied to an imitation lemon extract consisting in part of alcohol, water, and citral, and containing only about 76 percent of alcohol; and the vanilla extract in that the statement "Pure Vanilla Extract 12½% Alcohol" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract and containing only about 3 percent of alcohol. Both products were alleged to be misbranded (1) in that they were offered for sale under the names of other foods; (2) in that they were imitations of other foods and their labels did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the names of the foods imitated; and (3) in that their containers were so made, formed, or filled, as to be misleading.

On April 29, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2300. Adulteration of poppy seed. U. S. v. 6 Unlabeled Bags Containing Poppy Seed. Default decree of condemnation and destruction. (F. D. C. No. 5035. Sample No. 7680-E.)**

This product was white poppy seed which had been artificially colored blue with a certified coal-tar dye so as to simulate blue poppy. It had been colored by the consignee after its receipt in interstate commerce.

On June 30, 1941, the United States attorney for the Southern District of California filed a libel against 6 unlabeled bags containing a total of approximately 675 pounds of poppy seed at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 27, 1941, by T. M. Duche & Sons from New York, N. Y.; and charging that it was adulterated.

The article was alleged to be adulterated in that inferiority had been concealed by the addition of artificial color; and in that artificial color had been added thereto so as to make it appear better or of greater value than it was.

On July 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



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Crown Food Products Co.:		crab meat	2197
peanut butter	2282	Gunter Food Products Co.:	
Dairyland Cooperative Association:		pumpkin, canned	2242
butter	2175	Gwinner Creamery:	
Dalton Cooperative Creamery Assoc.:		butter	2179
poultry	2274	Hamlin, E. H., Co.:	
Dayton Evaporating & Packing Co.:		salmon, canned	2208
prunes	2269	Hanover Star Milling Co.:	
Deer Island Fish & Oyster Co.:		flour	2115
turnip greens, canned	2245	Heatwold Cooperative Creamery Assoc.:	
Devine, P. J.:		butter	2180
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Diamond-T Preserving Co.:		tomato paste	2249
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Dobry Flour Mills, Inc.:		grapefruit juice	2101
flour	2111	and orange juice	2101
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Dreher Pickle Co.:		Humetsky, Peter:	
tomato puree	2247	blueberries	2214
Duche, T. M., & Sons:		Hunt Bros. Packing Co.:	
poppy seed	2300	preserves	2256



Hunt, Cassius, Co.:	N. J. No.	Minneola Creamery:	N. J. No.
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Hunter, Walton & Co.:		Moffett, S. A., Co.:	
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Indiana Flour Co., Inc.:		Morgan Packing Co.:	
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International Milling Co.:		Morris Fisheries, Inc.:	
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Ismert-Hincke Milling Co.:		Morten Milling Co.:	
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Jerpe Dairy Products Corporation:		Musselman, C. H., Co.:	
butter.....	2162	cherries, canned.....	2224
John's Fish Market:		Nashville Roller Mills Co.:	
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Jory Packing Co.:		Nelson Packing Co.:	
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K. B. Products Corporation:		Nevada Poultry Co.:	
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Lasichak, N.:		butter.....	2163
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Libby, McNeill & Libby:		butter.....	2187
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Lonsdale Creamery Co.:		spinach, canned.....	2243
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M & C Berry Packers:		apricots, dried.....	2260
blueberries.....	2218, 2219	Producers Peanut Co., Inc.:	
MacDonald Andrews Co.:		peanut butter.....	2283
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Martel Food Corporation:		blueberries.....	2220
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Massey, W. W.:		butter.....	2163
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Matteucci & Vannucci Co., Inc.:		flour.....	2127
olive oil.....	2287	Rascoe, Roy, & Co.:	
Matthews, E. J.:		pecan meats.....	2277
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McGrath, H. J., Co.:		dates.....	2271
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Meadors Manufacturing Co.:		eggs, shell.....	2192
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Mehaffey, C. R.:		fish meal.....	2155
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Mennel Milling Co.:		flour.....	2128
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Seymour Canning Co.:		spaghetti, canned, with tomato sauce and	
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Shawnee Milling Co.:		Swift & Co.:	
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dates, pitted.....	2262	butter.....	2157
Smith Bag & Milling Co.:		Tiedemann & McMorran:	
corn meal.....	2148	chili sauce.....	2251
Smith, G. B. R., Milling Co.:		Toner's, Inc.:	
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Smith, J. Allan, & Co.:		Underwriters Salvage Co.:	
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Southern Pecan Co., Inc.:		Norman L., Inc.	
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Sugar Creek Creamery Co.:		Williamson, O. G.:	
butter.....	2157	blueberries.....	2221
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Superior Canning Co.:		butter.....	2166, 2179, 2180
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		butter.....	2175, 2184











2Nf

# FEDERAL SECURITY AGENCY

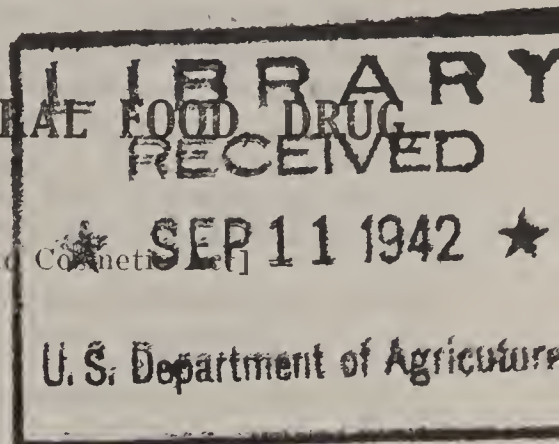
## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

2301-2550

FOODS



The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., May 6, 1942.

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## BEVERAGES AND BEVERAGE MATERIALS

### FRUIT JUICES

**2301. Misbranding of orange juice. U. S. v. 234 Cases and 379 Cases of Orange Juice. Default decree of condemnation and destruction.** (F. D. C. No. 5759. Sample Nos. 51261-E, 51262-E.)

This product was labeled in such a manner as to give the impression that it contained approximately the same amount of vitamin C as fresh orange juice; whereas it contained about one-half the amount of vitamin C found in fresh orange juice and also substantially less than the average amount of vitamin C usually contained in canned orange juice.

On September 18, 1941, the United States attorney for the District of Massachusetts filed a libel against 613 cases, each containing 12 bottles, of orange juice at Springfield, Mass., alleging that the article had been shipped by Miami Fruit Industries, Inc., from Miami, Fla., on or about April 27, 1941; and charging that it was misbranded. It was labeled in part: (Bottles) "Walker-Sellers Vita Tested Vitamin C Certified Pure Orange Juice Slightly Sweetened with Sugar [or "Enriched with Dextrose"] Contents One Quart."

The article was alleged to be misbranded in that the following statements were false and misleading, "Vita Tested Vitamin C Certified \* \* \* Certi-



fied Vitamin C Content—We hereby certify that the juice in this container has been tested by us and contained the same Vitamin C content when packed as the freshly extracted juice,” since they created the impression that the article contained an amount of vitamin C comparable to the amount contained in a like quantity of freshly extracted orange juice; whereas it contained substantially less (about one-half) vitamin C than a like quantity of freshly extracted orange juice and even substantially less than the normal vitamin C content of canned orange juice.

On October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2302. Misbranding of tomato juice. U. S. v. 19 Cases of Tomato Juice. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 4965. Sample No. 32800-E.)**

Examination showed that this product was short of the declared volume.

On June 19, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 19 cases, each containing 48 cans, of tomato juice at Brookhaven, Miss., alleging that the article had been shipped on or about April 8, 1941, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was misbranded. It was labeled in part: “Val Vita Brand Fancy Tomato Juice.”

The article was alleged to be misbranded in that the statement “Net Contents 7¼ Fld. Ozs.,” borne on the label, was false and misleading since it was incorrect; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On November 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered divided between two local charitable agencies for their own use but not for sale.

## CEREAL PRODUCTS

### FLOUR

**2303. Adulteration of flour. U. S. v. 137 and 175 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 5609. Sample Nos. 67405-E, 67406-E.)**

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be stored under insanitary conditions and to be insect-infested. Some of the bags had been cut into by rodents and were stained with rodent urine and there were rodent pellets on and between the bags.

On September 2, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 137 48-pound bags and 175 24-pound bags of flour at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about June 27, 1941, by the McDaniel Milling Co. from Carthage, Mo.; and charging that it was adulterated. It was labeled in part: (Bags) “Little King Flour Bleached.”

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2304. Adulteration of flour. U. S. v. 120 Bags and 320 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be manufactured into animal feed. (F. D. C. No. 5309. Sample Nos. 59364-E, 59365-E.)**

Examination of this product showed that it was insect-infested, and that it had been stored under insanitary conditions subsequent to shipment.

On August 5, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 120 12-pound bags and 320 24-pound bags of flour at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about February 7, 1941, by the Pillsbury Flour Mills Co. from Springfield, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: “Pillsbury’s Best Flour.”



On October 9, 1941, the Grocers Wholesale Co., Louisville, Ky., while not appearing in the proceedings and not denying the adulteration charged but having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered to the Grocers Wholesale Co., as requested by that firm, upon payment of costs and the execution of a bond conditioned that it be manufactured into animal feed.

**2305. Adulteration of flour. U. S. v. 40 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5777. Sample No. 67462-E.)

This product had been stored under insanitary conditions. When examined it was insect-infested and some of the bags had been cut into by rodents and were contaminated with rodent excreta.

On September 19, 1941, the United States attorney for the Western District of Tennessee filed a libel against 40 bags of flour at Dyersburg, Tenn., alleging that the article had been shipped in interstate commerce on or about July 17 and 29, 1941, by the Whitewater Flour Mills Co. from Whitewater, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "48 Lbs. \* \* \* Whitewater Rose Flour Bleached."

On October 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2306 to 2312 report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. In most instances the time of infestation was not determined.

**2306. Adulteration of self-rising flour. U. S. v. 327 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 5349. Sample Nos. 977-E to 980-E, incl., 48501-E, 48502-E.)

On or about August 22, 1941, the United States attorney for the Eastern District of South Carolina filed a libel against 116 12-pound bags, 141 48-pound bags, and 70 96-pound bags of flour at Camden, S. C., alleging that the article had been shipped in interstate commerce within the period from on or about February 13 to on or about June 14, 1941, by the Austin-Heaton Co. from Durham, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled variously: (Bags) "Blue Bonnet [or "Buttercup" or "Cream of the West"] Quality Flour Self-Rising."

On September 23, 1941, Thomas & Howard Co., Columbia, S. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured under the supervision of the Food and Drug Administration and disposed of for industrial purposes or animal feed.

**2307. Adulteration of flour. U. S. v. 179 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5043. Sample No. 48147-E.)

On or about July 3, 1941, the United States attorney for the Northern District of Florida filed libels against 50 20-pound bags, 50 10-pound bags, and 79 5-pound bags of flour at Gainesville, Fla., alleging that the article had been shipped in interstate commerce on or about March 20, 1941, by the H. C. Cole Milling Co. from Chester, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Bags) "White Ring Flour."

On September 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2308. Adulteration of flour. U. S. v. 106 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5656. Sample No. 67449-E.)

On or about September 16, 1941, the United States attorney for the Western District of Arkansas filed a libel against 106 bags of flour at Prescott, Ark., alleging that the article had been shipped in interstate commerce on or about May 21, 1941, by the Fant Milling Co. from Sherman, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Missouri Special Flour Bleached 24 Lbs. Net."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2309. Adulteration of flour. U. S. v. 233 Bags of Flour. Consent decree of condemnation and destruction.** (F. D. C. No. 5952. Sample No. 49848-E.)

On October 2, 1941, the United States attorney for the Northern District of Mississippi filed a libel against 233 bags of flour at Columbus, Miss., alleging that the article had been shipped in interstate commerce on or about May 9, 1941, by the Home Mill & Grain Co., Inc., Mount Vernon, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Bleached Self-Rising Flour \* \* \* Azile."

On October 28, 1941, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**2310. Adulteration of flour. U. S. v. 242, 28, 3, and 30 Bags of Flour. Judgment by default. Order of destruction.** (F. D. C. No. 5166. Sample Nos. 37664-E, 48165-E.)

On July 19, 1941, the United States attorney for the Southern District of Georgia filed a libel against 272 24-pound sacks, 28 48-pound sacks, and 3 96-pound sacks of flour at Vidalia, Ga., alleging that the article had been shipped in interstate commerce on or about January 27 and April 12, 1941, by the Lawrenceburg Roller Mills Co. from Lawrenceburg, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sacks) "TenderTex a Fine Textured All Purpose Flour Self-Rising."

On September 11, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2311. Adulteration of self-rising flour. U. S. v. 75 Bags of Self-Rising Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5158. Sample No. 49573-E.)

Examination showed that this product not only was insect-infested, but it also contained rodent hairs.

On July 15, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 75 bags of self-rising flour at Franklinton, La., alleging that the article had been shipped in interstate commerce on or about June 8, 1941, by the Russell Co. from Jackson, Miss.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Self-Rising Bleached Queen's Taste Flour."

On August 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2312. Adulteration of flour. U. S. v. 141 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5745. Sample Nos. 67367-E, 67368-E.)

On September 15, 1941, the United States attorney for the Western District of Tennessee filed a libel against 141 bags of flour at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 5, 1941, by Lee Wilson & Co. from Wilson, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Soft Wheat Washburn's Gold Medal Flour."

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2313. Adulteration of doughnut mixture. U. S. v. 240 Barrels of Doughnut Mixture. Default decree of condemnation and destruction.** (F. D. C. No. 4962. Sample No. 47354-E.)

This product was insect-infested and water-soaked and contained charred particles and mold. It had been damaged by fire and subsequently was shipped in interstate commerce.

On June 24, 1941, the United States attorney for the Northern District of Illinois filed a libel against 240 barrels of doughnut mixture at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 3, 1941, by the Doughnut Corporation of America, from Ellicott City, Md.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. Some barrels were labeled in part: "N. E. S. Doughnut Mixture 200 Lbs. Net"; the labels on most barrels were missing or illegible.

On August 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2314. Misbranding of potato pancake mix. U. S. v. 19 Packages of Potato Pancake Mix. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3833. Sample No. 46909-E.)**

This product was contained in a wax paper bag enclosed in a carton. The bag and contents occupied less than 60 percent of the capacity of the carton.

On February 17, 1941, the United States attorney for the District of New Jersey filed a libel against 19 packages of potato pancake mix at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 20, 1941, by Horowitz & Margareten from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**CORN MEAL**

**2315. Adulteration of corn meal. U. S. v. Elam Mills, Inc. Plea of nolo contendere. Fine, \$1 and costs. (F. D. C. No. 4171. Sample No. 31570-E.)**

Examination of this product showed that it contained insect fragments, sand particles, rodent excreta and rodent hairs, and corn cockle fragments.

On August 13, 1941, the United States attorney for the Northern District of Illinois filed an information against Elam Mills, Inc., Chicago, Ill., alleging shipment on or about January 23, 1941, from the State of Illinois into the State of Michigan of a quantity of corn meal which was adulterated in that it consisted in whole or in part of a filthy substance.

On October 28, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$1 and costs.

**2316. Adulteration of corn meal. U. S. v. Evans Mills, Inc., and Benjamin W. Evans. Plea of guilty. Fines, \$210. (F. D. C. No. 4123. Sample Nos. 28862-E, 28863-E, 28864-E, 28872-E, 28873-E, 28874-E.)**

Samples of this product were found to contain rodent hairs, rodent excreta, and insect fragments.

On June 9, 1941, the United States attorney for the Eastern District of North Carolina filed an information against Evans Mills, Inc., a corporation, and Benjamin W. Evans at Edenton, N. C., alleging shipment within the period from on or about August 5 to on or about September 3, 1940, from the State of North Carolina into the State of Virginia of quantities of corn meal which was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Virginia Dare Burr Slowly Ground Corn Meal."

On September 22, 1941, pleas of guilty were entered on behalf of the defendants and the court imposed fines totaling \$210.

**2317. Adulteration of corn meal. U. S. v. William G. Justis, Raymond M. Hudson, and Robert A. Justis (Manchester Corn Mill). Plea of nolo contendere. Fine, \$75. (F. D. C. No. 2975. Sample Nos. 3145-E, 19228-E, 19233-E.)**

Samples of this product were found to contain rodent hairs, rodent excreta, and insect fragments.

On September 19, 1941, the United States attorney for the Eastern District of Virginia filed an information against William G. Justis, Raymond M. Hudson, and Robert A. Justis, copartners trading as Manchester Corn Mill, at Richmond, Va., alleging shipment within the period from on or about April 8 to on or about August 28, 1940, from the State of Virginia into the State of Pennsylvania of quantities of corn meal which was adulterated in that it consisted in whole or in part of a filthy substance. A portion of the article was labeled in part: "Justis Old Virginia Water Ground Table Meal."

On October 21, 1941, a plea of nolo contendere was entered on behalf of the defendants and the court imposed a fine of \$25.00 on each of the three counts of the information.

**2318. Adulteration of corn meal. U. S. v. The Merchants Co. Defendant defaulted appearance. Sentence, \$750 and costs. Defendant appeared and moved to reopen case; sentence reduced to \$150 and costs. (F. D. C. No. 2945. Sample Nos. 9856-E, 9857-E, 35334-E.)**

The product involved in this case contained filth in the form of rodent excreta fragments, rodent hairs, adult insects, insect larvae, and miscellaneous insect fragments.



On April 16, 1941, the United States attorney for the Southern District of Mississippi filed an information against the Merchants Co., a corporation, Jackson, Miss., alleging shipment within the period from on or about July 27 to on or about September 6, 1940, from the State of Mississippi into the State of Louisiana of quantities of corn meal which was adulterated. It was labeled in part: "Red Bird Corn Meal Made From White Corn Manufactured by Valley Mills Jackson, Miss."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 9, 1941, the defendant having failed to appear when the case was called, the court imposed a fine of \$750 and costs. On May 12, 1941, the defendant appeared and moved for a reduction of the fine on the grounds that it had defaulted through inadvertence and prayed that it be granted an opportunity to offer facts in extenuation of the offense charged. On May 13, 1941, the court having heard and considered the statement of extenuating circumstances, the penalty was reduced to \$150 and costs.

**2319. Adulteration of corn meal. U. S. v. 187 Sacks of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 5086. Sample No. 9552-E.)

Examination showed this product to be insect-infested.

On July 3, 1941, the United States attorney for the Southern District of Alabama filed a libel against 187 sacks of corn meal at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about April 5, 1941, by J. F. Weinmann Milling Co. from Little Rock, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Rose City Roller Mills 96 Lbs. Purity Bolted Corn Cream Meal."

On October 3, 1941, Ziliak & Schafer Milling Co., Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. It was denatured and disposed of for animal feed.

**2320. Adulteration of corn meal. U. S. v. 238 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 5921. Sample No. 79018-E.)

Examination of this product showed that it contained rodent excreta.

On October 1, 1941, the United States attorney for the Eastern District of Kentucky filed a libel against 238 bags of corn meal at Pineville, Ky., alleging that on or about September 6, 1941, W. N. Taylor transported the said article from the Farmers' Hominy Mill at Seymour, Ind., to himself at Pineville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Apex Cream Meal, Farmers' Hominy Mill, Seymour, Ind."

On November 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MACARONI PRODUCTS

**2321. Adulteration of macaroni. U. S. v. 171 Cases of Macaroni. Default decree of condemnation and destruction.** (F. D. C. No. 3266. Sample No. 99038-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On October 24, 1940, the United States attorney for the Southern District of Mississippi filed a libel against 171 cases of macaroni at Vicksburg, Miss., alleging that the article had been shipped in interstate commerce on or about May 2 and 16, 1940, by the Colonial Macaroni Manufacturing Co. from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "Our Brand Macaroni."

On August 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2322. Misbranding of macaroni and spaghetti. U. S. v. 253 Packages of Long Macaroni, 220 Packages of Elbow Macaroni, and 430 Packages of Spaghetti. Default decree of condemnation. Products ordered delivered to a charitable institution. (F. D. C. No. 4849. Sample Nos. 40724-E to 40726-E, incl.)**

The containers of this long macaroni, elbow macaroni, and spaghetti were filled to approximately 40, 60, and 28 percent, respectively, of their capacity.

On May 29, 1941, the United States attorney for the District of New Jersey filed a libel against 253 packages of long macaroni, 220 packages of elbow macaroni, and 430 packages of spaghetti at Camden, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about March 26 to on or about April 30, 1941, by the Kurtz Bros. Corporation from Philadelphia, Pa.; and charging that they were misbranded in that the containers were so made, formed, or filled as to be misleading. They were labeled in part: "Five Penny Pure Semolina Long Macaroni [or "Elbow Macaroni" or "Spaghetti"] 8 Oz."

On September 25, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution.

**2323. Misbranding of egg noodle and chicken dinner. U. S. v. 2 Cases and 10 Cases of Egg Noodle and Chicken Dinner. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 4862. Sample Nos. 47336-E, 47337-E.)**

This product consisted of noodles, broth, and chicken meat. All of the meat was packed near the outside of the jar, a thin slice being placed on each of four sides, giving the appearance of a product containing a large proportion of chicken meat. It also contained wheat protein derivative, which should have been declared as artificial flavoring.

On June 3, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 12 cases of egg noodle and chicken dinner at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about May 7 and 14, 1941, by the Kennedy Mayonnaise Products Co., Inc., from Minneapolis, Minn.; and charging that it was misbranded. The article was labeled in part: (Jars) "Red Mill Brand 1 Lb. Net Wt."

It was alleged to be misbranded in that its container was so filled as to be misleading, since the chicken meat was spread over a large area to give the appearance of a large quantity. It was alleged to be misbranded further in that it contained artificial flavoring and did not bear labeling stating that fact.

On June 30, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered delivered to a charitable institution.

## FEED

**2324. Misbranding of cottonseed screenings. U. S. v. Southern Cotton Oil Co. Plea of nolo contendere. Fine, \$25. (F. D. C. No. 4139. Sample No. 18499-E.)**

This product contained less protein than the amount declared.

On June 6, 1941, the United States attorney for the Eastern District of Arkansas filed an information against the Southern Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment on or about November 19, 1940, from the State of Arkansas into the State of Kansas of a quantity of cottonseed screenings that were misbranded. The article was labeled in part: "Interstate Brand 43% Protein Cotton Seed Cake & Meal \* \* \* Interstate Feed Company Fort Worth—Texas."

The article was alleged to be misbranded in that the statements "43% Protein Cotton Seed Cake & Meal \* \* \* Protein, not less than 43.00%," appearing on the tag, were false and misleading since they represented that the article contained not less than 43 percent of protein; whereas it contained less than 43 percent, namely, not more than 40.88 percent of protein.

On June 11, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25.

**2325. Misbranding of cottonseed meal. U. S. v. The Union Oil Mill, Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 4159. Sample No. 17343-E.)**

Examination of this product showed that it contained a smaller proportion of protein than that declared on the label.

On July 9, 1941, the United States attorney for the Western District of Louisiana filed an information against the Union Oil Mill, Inc., West Monroe, La., alleging shipment on or about October 2, 1940, from the State of Louisiana into the State



of Texas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "43% Protein Cottonseed Meal Prime Quality Manufactured For and Guaranteed By Louis Tobian & Company Dallas, Texas."

It was alleged to be misbranded in that the statements "43% Cottonseed Meal" and "Crude Protein, not less than 43.00%," borne on the tag, were false and misleading since it contained less than 43 percent of crude protein, namely, not more than 39.62 percent.

On October 13, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

**2326. Adulteration and misbranding of mixed feed and egg mash. U. S. v. Cameron Feed Mills. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 2896. Sample Nos. 17341-E, 17342-E.)**

The "mixed feed" contained less protein, less fat, and more crude fiber than the amounts declared; and it contained no alfalfa meal, which was declared, but did contain rice hulls, which were not declared. The egg mash contained less protein and more ground limestone and crude fiber than declared and also contained rice hulls which were not declared.

On December 26, 1940, the United States attorney for the Eastern District of Arkansas filed an information against the Cameron Feed Mills, a corporation, North Little Rock, Ark., alleging shipment on or about February 9, 1940, from the State of Arkansas into the State of Texas of quantities of mixed feed and egg mash that were adulterated and misbranded. The articles were labeled in part, respectively: "White Mule Sweet Mixed Feed" and "Loud Cackle Egg Mash."

The mixed feed was alleged to be adulterated in that a valuable constituent, alfalfa meal, had been in whole or in part omitted therefrom; in that rice hulls had been added thereto or mixed or packed therewith so as to increase its bulk and weight or reduce its quality; and in that rice hulls had been substituted in part for the article. It was alleged to be misbranded in that the statements, "Alfalfa meal 5% \* \* \* Crude Protein not less than 9.00 Per Cent Crude Fat not less than 2.50 Per Cent Crude Fiber not more than 15.00 Per Cent," borne on the tag, were false and misleading since it contained not more than 5.10 percent of crude protein, not more than 1.07 percent of crude fat, and not less than 18.72 percent of crude fiber, and it contained no alfalfa meal as declared but did contain added rice hulls which were not declared.

The egg mash was alleged to be adulterated in that rice hulls had been substituted in part therefor and in that rice hulls had been added thereto or mixed or packed therewith so as to increase its bulk and weight or reduce its quality. It was alleged to be misbranded in that the statements "Ground Limestone 2% \* \* \* Crude Protein not less than 18.50 Per Cent \* \* \* Crude Fiber not more than 7.00 Per Cent," borne on the tag, were false and misleading since it contained not less than 4.90 percent of ground limestone, not more than 15.95 percent of crude protein, and not less than 8.98 percent of crude fiber, and it contained added rice hulls which were not declared on the label.

Both products were alleged to be misbranded further in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of each ingredient, since they contained rice hulls and the labeling did not name rice hulls as an ingredient.

On April 7, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

**2327. Adulteration of bone meal. U. S. v. 24 Bags of Steamed Bone Meal. Default decree of condemnation and destruction. (F. D. C. No. 4785. Sample No. 57861-E.)**

Examination of this product showed that it contained 5,100 parts per million of fluorine.

On May 15, 1941, the United States attorney for the Western District of Arkansas filed a libel against 24 bags of steamed bone meal at Texarkana, Ark., alleging that the article had been shipped in interstate commerce on or about February 26, 1941, by the Transit Grain & Commerce [Commission] Co. from Fort Worth, Tex.; and charging that it was adulterated in that it contained a poisonous or deleterious ingredient, namely, fluorine. The article was labeled in part: "100 Pounds (net) Interstate 20% Protein Steamed Bone Meal Manufactured by Interstate By-Products & Supply Company Fort Worth, Texas."

On November 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2328. Adulteration of steam (or raw) bone meal and meat and bone scraps. U. S. v. 95 Sacks of Steam Bone Meal, 72 Sacks of Meat and Bone Scraps (and 2 other seizures against steam or raw bone meal. Default decrees of condemnation. Product ordered released to public institution to be used for fertilizer. (F. D. C. Nos. 4886, 4887, 4888. Sample Nos. 44283-E, 44284-E, 44285-E, 44287-E to 44290-E, incl.)**

Analysis showed that these products contained fluorine in amounts ranging from 1,335 to 8,333 parts per million and that they also contained undeclared rock phosphate.

On June 17, 1941, the United States attorney for the District of New Mexico filed libels against 166 sacks of steam bone meal, 72 sacks of meat and bone scraps, and 75 sacks of raw bone meal at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce within the period from on or about August 30, 1940, to on or about March 21, 1941, by the Interstate By-Products & Supply Co. from Fort Worth, Tex.; and charging that they were adulterated. The articles were labeled in part: "Interstate Steam Bone Meal," "Interstate 50% Protein Meat and Bone Scraps," or "Interstate Raw Bone Meal."

The articles were alleged to be adulterated in that they contained an added poisonous or deleterious substance, fluorine, which might have rendered them injurious to health; they were alleged to be adulterated further in that a substance, rock phosphate, had been substituted wholly or in part for bone meal or meat and bone scraps.

On July 21, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a public institution to be used for fertilizer.

## DAIRY PRODUCTS

### BUTTER

**Nos. 2329 to 2358, inclusive (and also 2361 to 2363), report the seizure and disposition of butter that contained excessive mold.**

**2329. Adulteration of butter. U. S. v. 11 Cases and 300 Cases of Butter. Decrees of condemnation. Product ordered disposed of for technical purposes only. (F. D. C. Nos. 5709, 5711. Sample Nos. 47876-E, 47879-E.)**

On August 12 and 14, 1941, the United States attorney for the Eastern District of Michigan filed libels against 311 cases, each containing 32 pounds, of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about July 31 and August 7, 1941, by Armour & Co., Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Spring Brook Brand Butter," or "Goldendale Butter."

On September 29, 1941, no claimant having appeared for the portion of the product shipped on July 31, and on October 25, 1941, the Peter Fox Sons Co., Chicago, Ill., claimant for the portion shipped on August 8, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered disposed of, for soap making or other technical purposes, under the supervision of the Food and Drug Administration.

**2330. Adulteration of butter. U. S. v. 15 Cases of Butter (and 5 other seizures of butter). Decrees of condemnation. Portion of product released under bond for conversion into inedible fat; remainder ordered destroyed. (F. D. C. Nos. 5318, 5332, 5348, 5714, 5721, 5727. Sample Nos. 48062-E, 49191-E, 49290-E, 50852-E, 62259-E, 67083-E, 67084-E.)**

Between July 21 and August 19, 1941, the United States attorneys for the Southern District of Alabama, the Southern and the Northern Districts of Florida, Eastern District of Virginia, Northern District of Illinois, and the Western District of Tennessee filed libels against the following amounts of butter: 15 32-pound cases at Mobile, Ala.; 99 32-pound cases at Tampa, and 7 32-pound cases at Pensacola, Fla.; 15 cases containing 234 pounds at Richmond, Va.; 50 60-pound tubs at Chicago, Ill.; and 37 32-pound cases at Memphis, Tenn., alleging that the article had been shipped within the period from on or about July 5 to on or about August 7, 1941, by Armour Creameries from Meridian, Miss., Louisville, Ky., Des Moines, Iowa, and Springfield, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Armour's Cloverbloom Butter," "Spring Brook Brand Creamery Butter," "Morris' Supreme Creamery Butter," or "Sweet Butter."



On October 6, 1941, Armour & Co., Chicago, Ill., claimant for the portion of the product seized at Chicago, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into inedible fat under the supervision of the Food and Drug Administration. Between September 3 and October 16, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

**2331. Adulteration of butter. U. S. v. 6 Cases of Butter. Default decree of forfeiture and destruction.** (F. D. C. No. 5395. Sample No. 67124-E.)

This product was found to contain mold; and, in addition, one case was also deficient in milk fat.

On August 8, 1941, the United States attorney for the Eastern District of Illinois filed a libel against 6 cases, each containing approximately 30 pounds, of butter at East St. Louis, Ill., alleging that the article had been shipped in interstate commerce on or about August 4, 1941, by Aro Creamery Co. from St. Louis, Mo.; and charging that it was adulterated. It was labeled in part: (Cartons) "Sale Packing Co. Brand Butter \* \* \* Packed for Sale Packing Co. E. St. Louis, Ill."; or "Nation-Wide \* \* \* Butter Packed for Nation-Wide Stores Co., St. Louis, Mo."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. One case of the article was alleged to be adulterated further in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On September 12, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2332. Adulteration of butter. U. S. v. 35 Cartons of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6090. Sample No. 75433-E.)

On October 21, 1941, the United States attorney for the District of Rhode Island filed a libel against 35 cartons, each containing 30 pounds, of butter at Providence, R. I., alleging that the article had been shipped on or about October 11, 1941, by Beatrice Creamery Co. from Galesburg, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Jersey Maid Brand Roll Butter."

On December 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2333. Adulteration of butter. U. S. v. 30 Cases and 10 Cases of Butter. Default decree of forfeiture. Product ordered sold for soap making.** (F. D. C. No. 5394. Sample No. 67038-E.)

On August 7, 1941, the United States attorney for the Eastern District of Illinois filed a libel against 30 cases each containing 10 pounds, and 10 cases each containing 30 pounds of butter at East St. Louis, Ill., alleging that the article had been shipped on or about August 1, 1941, from Blue Valley (Beatrice Creamery Co.), St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Hunter Creamery Butter \* \* \* Hunter Packing Co. East St. Louis, Ill. Distributor."

On September 23, 1941, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed as food, but that it might be sold for soap making purposes.

**2334. Adulteration of butter. U. S. v. 63 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for disposal as inedible matter.** (F. D. C. No. 6007. Sample No. 72023-E.)

On September 3, 1941, the United States attorney for the Southern District of California filed a libel against 63 cubes, each containing 68 pounds, of butter at Los Angeles, Calif., alleging that the article had been introduced in interstate commerce on or about August 22, 1941, by Sam Behringer Cash & Carry Grocery from Ballinger, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Dairygold Creamery Ballinger, Texas."

On October 15, 1941, Dairygold Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product



was ordered released under bond for disposal, under the supervision of the Food and Drug Administration, as inedible matter.

**2335. Adulteration of butter. U. S. v. 16 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 6077. Sample No. 87101-E.)**

On October 23, 1941, the United States attorney for the District of Columbia filed a libel against 16 cartons, containing a total of 478 pounds, of butter at Washington, D. C., alleging that the article had been shipped on or about October 17, 1941, by Blue Ridge Creamery, Inc., from Luray, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: (Wrapper) "Shenandoah Brand Creamery Butter."

On November 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2336. Adulteration of butter. U. S. v. 18 Boxes, 16 Boxes, 14 Boxes, 16 Boxes, and 15 Boxes of Butter. Consent decrees of condemnation. Portions of product ordered released under bond to be reworked; remainder ordered destroyed. (F. D. C. No. 5722. Sample No. 62331-E.)**

A portion of this product contained mold; and the remainder was deficient in milk fat.

On August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 79 boxes, each containing 62 pounds, of butter at Chicago, Ill., alleging that the article had been shipped on or about July 31, 1941, by Blue River Creamery Co. from Hastings, Nebr.; and charging that it was adulterated.

A portion of the article (64 boxes) was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. The remainder (15 boxes) was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 22, 1941, Blue River Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered with respect to the 64 boxes of the product that was deficient in milk fat, and that portion was ordered released under bond to be reworked under the supervision of the Food and Drug Administration. On October 16, 1941, judgment of condemnation was entered with respect to the portion of the product contained in the 15 boxes and it was ordered destroyed.

**2337. Adulteration of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 6004. Sample No. 59632-E.)**

On September 15, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 5 cases of butter at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about September 4, 1941, by the Blue Valley Creamery from Columbus, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Country Style Roll Pasteurized \* \* \* Butter Distributed by Hampton Brothers W. Va. Piggly Wiggly Stores."

On October 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2338. Adulteration of butter. U. S. v. 2 Cases and 12 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 5393. Sample Nos. 37351-E, 37352-E.)**

On August 9, 1941, the United States attorney for the Northern District of Georgia filed a libel against 14 cases each containing 30 pounds of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about August 4, 1941, by the Borden Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed and filthy substance. It was labeled in part: "Blue Ribbon Creamery Butter" or "Morning Glory Creamery Butter."

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2339. Adulteration of butter. U. S. v. 78 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for soap making.** (F. D. C. No. 5093. Sample No. 47351-E.)

On or about June 18, 1941, the United States attorney for the Northern District of Illinois filed a libel against 78 cartons of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 2, 1941, by the Boring Creamery Co. from Oklahoma City, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 3, 1941, the Peter Fox Sons Co. of Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used in the making of soap.

**2340. Adulteration of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5867. Sample No. 82001-E.)

On August 26, 1941, the United States attorney for the Southern District of Georgia filed a libel against 2 cases of butter at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about June 26, 1941, by the Carthage Creamery Co. from Carthage, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: (Retail packages) "Lakeview Creamery Butter Distributors Wilson and Co. General Office Chicago, Ill."

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2341. Adulteration of butter. U. S. v. 180 Cases of Butter. Default decree of condemnation and sale.** (F. D. C. No. 5712. Sample No. 47882-E.)

On or about August 20, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 180 cases of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 7, 1941, by the Centrox Dairy Co. from Centerville, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Pasteurized Creamery Butter \* \* \* Distributed by Beatrice Creamery Co. General Office, Chicago, Illinois."

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold for technical uses.

**2342. Adulteration of butter. U. S. v. 52 Cartons of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5724. Sample No. 62428-E.)

On August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 52 cartons of butter at Chicago, Ill., alleging that the article had been shipped on or about August 13, 1941, by Community Creamery Co. from Carthage, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Creamery Butter S. S. Borden Co. \* \* \* Distributors."

On October 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2343. Adulteration and misbranding of butter. U. S. v. 18 Cartons, 35 Cases, and 20 Cases of Butter. Decrees of condemnation. Portion of product ordered released under bond for reworking; remainder ordered destroyed.** (F. D. C. Nos. 5320, 5401, 5726. Sample Nos. 47178-E, 48177-E, 62242-E, 67079-E, 67080-E.)

Two shipments of this product contained excessive mold, and a third was deficient in milk fat.

On July 22 and August 8 and 18, 1941, the United States attorneys for the Northern District of Illinois, Southern District of Florida, and Western District of Tennessee filed libels against 18 cartons each containing 75 pounds of butter at Chicago, Ill., 35 cases each containing 32 pounds of butter at Jacksonville, Fla., and 20 cases each containing 30 pounds of butter at Memphis, Tenn., alleging that the article had been shipped on or about June 30, July 25 and 26, and August 1, 1941, by Cudahy Packing Co. from Neosho, Mo., Nashville, Tenn., and Oxford, Miss.; and charging that it was adulterated and that a portion was also misbranded. Portions of the article were labeled in part: "Daisy Maid Brand Creamery Butter"; or "Daisy Maid Brand Country Roll Butter \* \* \* Manufactured \* \* \* By Oxford Creamery Co., Oxford, Miss."



The butter seized at Jacksonville and Nashville was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The portion of the product seized at Chicago was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

A portion of the article was alleged to be misbranded in that it was labeled "Butter," which was false and misleading.

On August 14, 1941, the Cudahy Packing Co., claimant for the product seized at Chicago, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration. On September 11 and 18, 1941, no claimant having appeared for the product seized at Jacksonville and Memphis, judgments of condemnation were entered and the product was ordered destroyed.

**2344. Adulteration of butter. U. S. v. 16 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5132. Sample No. 62233-E.)

On June 18, 1941, the United States attorney for the Northern District of Illinois filed a libel against 16 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 29, 1941, by El Reno Poultry & Egg Co. from El Reno, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On August 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2345. Adulteration of butter. U. S. v. 25 Prints of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5021. Sample No. 29493-E.)

On June 7, 1941, the United States attorney for the Eastern District of Kentucky filed a libel against 25 prints of butter at Newport, Ky., alleging that the article had been shipped in interstate commerce on or about June 5, 1941, by French-Bauer, Inc., from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Cartons) "Blue Grass Brand Butter—Clover Leaf Dairy, Distributors, Newport, Kentucky."

On July 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2346. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5863. Sample No. 54236-E.)

On September 9, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 10 tubs of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 2, 1941, by the Haldeman Creamery from Winchester, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: (Stenciled on tubs) "J. A. Haldeman & Bro. \* \* \* Philadelphia, Pa."

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2347. Adulteration and misbranding of butter. U. S. v. 10 Cases and 30 Cases of Butter (and 1 other seizure action against butter). Default decrees. Portion of product ordered rendered into inedible grease; remainder ordered destroyed.** (F. D. C. Nos. 5713, 5730. Sample Nos. 48081-E, 48082-E, 79936-E, 79937-E.)

In addition to containing mold, a portion of this product was also deficient in butterfat.

On August 12 and 21, 1941, the United States attorneys for the Southern District of Indiana and the Northern District of Georgia filed libels against 509 1-pound prints, 390 1-pound rolls, 293 ½-pound rolls, and 636 1-pound cartons of butter at Indianapolis, Ind., and 40 cases each containing 32 pounds of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about July 18 to on or about August 15, 1941, by Kingan & Co. from Lebanon, Ky.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "Forest Brook Creamery Butter," or "Piedmont Farm Brand Creamery Butter."



The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. A portion was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

The said portion was alleged to be misbranded in that it was labeled "Butter," whereas it contained less than 80 percent by weight of milk fat.

On September 16, 1941, no claimant having appeared for the butter seized at Atlanta, judgment of condemnation was entered and the product was ordered destroyed. On October 2, 1941, no claimant having appeared for the seizure at Indianapolis, judgment was entered ordering that the product be rendered into inedible grease under the supervision of the Food and Drug Administration.

**2348. Adulteration of butter. U. S. v. 35 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into butter oil.** (F. D. C. No. 5290. Sample Nos. 47179-E, 62241-E.)

On July 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 35 tubs of butter at Chicago, Ill., alleging that the article had been shipped on or about July 8, 1941, by La Belle Creamery Co. from La Belle, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 26, 1941, S. Kramme and Peder Kristensen, trading as K. & K. Creamery Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into purified butter oil under the supervision of the Food and Drug Administration.

**2349. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6019. Sample No. 54213-E.)

On October 4, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 5 64-pound tubs of butter at Philadelphia, Pa., alleging that the article had been shipped on or about October 1, 1941, by McCrum's Creamery from Lexington, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance.

On October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2350. Adulteration of butter. U. S. v. 67 Boxes, 42 Boxes, 15 Cases, and 4 Cases of Butter. Decrees of condemnation and destruction or sale.** (F. D. C. Nos. 4998, 5065, 5179, 5873. Sample Nos. 17488-E, 17489-E, 40366-E, 40367-E, 59634-E.)

Between June 11 and September 11, 1941, the United States attorneys for the Southern and the Northern Districts of West Virginia and the Middle District of Pennsylvania filed libels against the following amounts of butter: 57 boxes and 4 cases each containing 32 pounds, and 10 boxes each containing 64 half-pound rolls at Charleston, W. Va.; 40 boxes each containing 32 pounds, 1 box containing 24 pounds, and 1 box containing 22 pounds at Clarksburg, W. Va.; and 15 cases each containing 32 pounds at Harrisburg, Pa., alleging that the article had been shipped within the period from on or about May 28 to on or about September 4, 1941, by the Merchants Creamery Co. from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. It was labeled in part: "Rose [or "Springfield" or "Clover"] Brand Creamery Butter."

On August 30, 1941, no claimant having appeared for the product seized at Harrisburg, judgment of condemnation was entered and it was ordered sold for rendering purposes. The claimant for the butter seized at Clarksburg having consented to immediate destruction of the article and no claimant having appeared for that seized at Charleston, on July 14 and 16 and September 23, 1941, judgments of condemnation were entered and the product was ordered destroyed.

**2351. Adulteration and misbranding of butter. U. S. v. 11 Boxes of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5872: Sample No. 62424-E.)

This product, in addition to containing mold, was mislabeled because it failed to give the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

On August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 11 boxes of butter at Chicago, Ill., alleging that the article had been shipped on or about August 9, 1941, by B. Brice Nash



Creamery from Manhattan, Kans.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

It was alleged to be misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and an accurate statement of the quantity of the contents.

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2352. Adulteration and misbranding of butter. U. S. v. 43 Cartons and 15 Cartons of Butter. Consent decree of condemnation. Portion of product ordered released under bond to be reworked; remainder ordered destroyed.** (F. D. C. No. 5281. Sample Nos. 56923-E, 56924-E.)

A portion of this product not only contained excessive mold but was deficient in milk fat.

On July 17, 1941, the United States attorney for the District of New Jersey filed a libel against 58 cartons each containing 65 pounds of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 30, 1941, by the Producers Creamery Co. from Kirksville, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: "June Dairy Products Co., Inc. Distributors \* \* \* Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter; and (44 cartons) in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading.

On August 29, 1941, the June Dairy Products Co., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so as to contain at least 80 percent by weight of milk fat excepting 44 cartons which were ordered disposed of for purposes other than human consumption, all under the supervision of the Food and Drug Administration.

**2353. Adulteration of butter. U. S. v. 9 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5728. Sample No. 67087-E.)

On August 21, 1941, the United States attorney for the Western District of Tennessee filed a libel against 9 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about June 24, 1941, by the Sardis Creamery Co. from Sardis, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Shipping case) "President Creamery Butter Distributed by Abraham Bros. Packing Co."

On October 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2354. Adulteration of butter. U. S. v. 125 30-Pound Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into butter oil.** (F. D. C. No. 2662. Sample Nos. 27364-E to 27367-E, incl.)

On or about August 10, 1940, the United States attorney for the Northern District of Ohio filed a libel against 125 30-pound cases of butter at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about July 1 to on or about July 10, 1940, by Paul A. Schulze Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food. It was labeled in part: "Clover Springs Brand Butter."

On or about April 14, 1941, Paul A. Schulze Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be converted into butter oil.

**2355. Adulteration of butter. U. S. v. 96 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into soap stock.** (F. D. C. No. 5866. Sample No. 74484-E.)

On September 16, 1941, the United States attorney for the Southern District of New York filed a libel against 96 tubs, each containing approximately 63 pounds, of butter at New York, N. Y., alleging that the article had been



shipped on or about August 25, 1941, by South Mountain Creamery, Inc., Middletown, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance.

On September 18, 1941, South Mountain Creamery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into soap stock under the supervision of the Food and Drug Administration.

**2356. Adulteration of butter. U. S. v. 1,860 Pounds of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5702. Sample No. 29605-E.)

On August 19, 1941, the United States attorney for the Northern District of Ohio filed a libel against 1,860 pounds of butter in 60-pound cartons at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on August 9, 1941, by Steensland Oil & Produce Co. from Beresford, S. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food. The article was labeled in part: (Carton) "Sold by Stonehill Cry Cleveland, Ohio."

On September 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2357. Adulteration of butter. U. S. v. 49 Cartons of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5403. Sample No. 62245-E.)

On August 1, 1941, the United States attorney for the Northern District of Illinois filed a libel against 49 cartons of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 12, 1941, by Swift & Co. from Conway, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Swift's Cake Butter."

On October 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2358. Adulteration of butter. U. S. v. 12 Boxes of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6008. Sample No. 75511-E.)

On September 16, 1941, the United States attorney for the District of Massachusetts filed a libel against 12 boxes of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 30, 1941, by the Wadley Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Wrappers) "Hoosier Gold Brand Creamery Butter."

On October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2359. Adulteration of butter. U. S. v. 31 Cartons of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5719. Sample No. 58407-E.)

Samples of this product were found to contain rodent hairs, insect fragments, portions of flies, maggots, mites, and unidentified filth.

On August 22, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 31 cartons of butter at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about August 14, 1941, by the Daggett Cheese & Creamery Co. from Daggett, Mich.; and charging that it was adulterated. It was labeled in part: "Armour's Cloverbloom Butter Armour Creameries Distributors."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, putrid, or decomposed substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On September 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2360. Adulteration of process butter. U. S. v. 16 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 4969. Sample No. 46957-E.)

Analysis showed that this product contained rodent hairs, insect fragments, feather barbules, and nondescript dirt.

On June 24, 1941, the United States attorney for the Southern District of New York filed a libel against 16 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June



2, 1941, by the Hanover Food Products Co. from Baltimore, Md.; and charging that it was adulterated. It was labeled in part: "Process Butter Factory No. 6 Dist. of Md. Net Weight 64 Lbs."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2361. Adulteration of butter. U. S. v. 288 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into purified butter oil. (F. D. C. No. 5864. Sample No. 62256-E.)**

This product contained mold as well as rodent hairs, insects and insect fragments, and nondescript debris.

On August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 288 tubs, each containing 63 pounds, of butter at Chicago, Ill., alleging that the article had been shipped on or about July 30, 1941, by A. T. Crouch Creamery Co. from Bloomer, Ark.; and charging that it was adulterated. It was labeled in part: "Creamery Butter Distributed by Dauber Bros. \* \*. \* Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance; and in that it had been prepared under insanitary conditions whereby it became contaminated with filth.

On October 6, 1941, Ozark Creamery, Ozark, Ark., and A. T. Crouch Creamery, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into purified butter oil under the supervision of the Food and Drug Administration.

**2362. Adulteration of butter. U. S. v. 32 Cubes and 52 Cubes of Butter. Decrees of condemnation. Portion of product ordered released under bond for reconditioning; remainder ordered sold for use in the manufacture of soap. (F. D. C. Nos. 6006, 6128. Sample Nos. 53764-E, 72105-E.)**

One shipment of this product contained mold as well as nondescript dirt; and the other was deficient in milk fat.

On September 18 and October 16, 1941, the United States attorney for the Southern District of California filed libels against 84 68-pound cubes of butter at Los Angeles, Calif., alleging that the article had been introduced in interstate commerce on or about September 10 and October 7, 1941, by Plains Cooperative, Inc., from Portales, N. Mex.; and charging that it was adulterated.

The product in one shipment was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed animal substance. The butter in the other lot was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 4, 1941, Challenge Cream & Butter Association, Los Angeles, Calif., claimant for the 32 cubes of butter, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. On November 28, 1941, no claimant having appeared for the 52 cubes of butter, judgment of condemnation was entered and the product was ordered sold by the United States marshal to be disposed of in the manufacture of soap under the supervision of the Food and Drug Administration.

**2363. Adulteration and misbranding of butter. U. S. v. 70 Cases and 45 Tubs, 99 Cases, 52 Tubs, 56 Tubs, and 7 Tubs of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 4983 to 4986, incl., 4988. Sample Nos. 35055-E to 35058-E, incl., 35880-E, 49095-E, 49096-E, 49381-E to 49383-E, incl.)**

Examination of this product showed that it contained excessive mold, portions were contaminated with rodent hairs and insect fragments, and two lots contained less than 80 percent of milk fat. Furthermore, some of the tubs containing portions of the butter failed to bear the name and address of the manufacturer, packer, or distributor, and the name of the product and in certain instances the required statement of net weight.

On May 20, 24, and 27, 1941, the United States attorney for the Eastern District of Louisiana filed libels against 169 cases and 160 tubs of butter at New



Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 22 and 30 and May 8, 1941, by Bell Creamery Co. from Hugo, Okla.; and charging that it was adulterated and misbranded.

Portions of the article were labeled in part: (Parchment wrapper) "Gold Medal Brand Creamery Butter \* \* \* Distributed by [or "Packed expressly for"] Longino & Collins New Orleans, La.," or "Elegant Creamery Butter \* \* \* Gerde Newman & Company Distributors"; (retail cartons) "Hartson's Best Butter Packed Especially for W. H. Hartson \* \* \* One Pound Net Weight"; (some of the tubs) "Gold Medal Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance; portions were alleged to be adulterated further in that it consisted in whole or in part of a filthy substance; and certain portions were alleged to be adulterated still further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law.

A portion was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat; and portions were alleged to be misbranded in that the tubs in which it was packed did not bear a statement of the name and address of the manufacturer, packer, or distributor, and (certain lots) a statement of net weight and the name of the product.

On July 8, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2364. Adulteration of butter. U. S. v. Benewah Creamery, Inc. Plea of nolo contendere. Fine, \$100.** (F. D. C. No. 4144. Sample Nos. 52277-E, 52571-E, 52576-E.)

This product contained less than 80 percent of milk fat.

On August 18, 1941, the United States attorney for the Eastern District of Washington filed an information against Benewah Creamery, Inc., Spokane, Wash., alleging shipment within the period from on or about December 11, 1940, to on or about January 27, 1941, from the State of Washington into the States of Oregon and Idaho, of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 25, 1941, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$35 each on counts I and II and a fine of \$30 on count III.

**2365. Adulteration of butter. U. S. v. Edward A. Best and Isabel J. Best (Best Bros. Creamery). Pleas of nolo contendere. Fines, \$200.** (F. D. C. No. 4135. Sample No. 8301-E.)

On June 4, 1941, the United States attorney for the Western District of Michigan filed an information against Edward A. Best and Isabel J. Best, copartners, trading as Best Bros. Creamery at Iron Mountain, Mich., alleging shipment by said defendants on or about January 22, 1941, from the State of Michigan into the State of Wisconsin of a quantity of butter that was adulterated. It was labeled in part: "Best's Creamery Butter \* \* \* Distributed By Lauerman Brothers Co. Marinette, Wis. Oconto, Wis."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On October 7, 1941, the defendants having entered pleas of nolo contendere, the court imposed a fine of \$100 against each.

**2366. Adulteration of butter. U. S. v. Blue Bell Creameries. Plea of nolo contendere. Fine, \$300.** (F. D. C. No. 2932. Sample Nos. 35004-E, 35005-E, 35006-E.)

On May 17, 1941, the United States attorney for the Western District of Texas filed an information against the Blue Bell Creameries, a corporation, Brenham, Tex., alleging that on or about May 4, 1940, the defendant gave to the Houston Packing Co. of Houston, Tex., a guaranty that all butter or dairy products delivered or shipped by the defendant to Houston Packing Co. would not be adulterated in violation of the Federal Food, Drug, and Cosmetic Act; that within the period from on or about May 22 to May 31, 1940, the defendant sold and delivered to Houston Packing Co. a quantity of butter; and that the



butter so sold and delivered by the defendant was shipped in interstate commerce by the purchaser during the same period.

The information alleged further that the butter so sold and shipped was adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter; and that, by reason of the guaranty and the sale and delivery thereunder of adulterated butter, the defendant had unlawfully given to the Houston Packing Co. a guaranty that was false.

On June 13, 1941, the defendant entered a plea of nolo contendere and the court imposed a fine of \$300.

**2367. Adulteration of butter. U. S. v. Emma Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 4141. Sample Nos. 16172-E, 43844-E.)**

On June 16, 1941, the United States attorney for the Western District of Missouri filed an information against Emma Creamery Co., a corporation at Emma, Mo., alleging shipment on or about September 18 and December 19, 1940, from the State of Missouri into the State of Kansas of quantities of butter that was adulterated. A portion of the product was labeled. "Gold Seal \* \* \* Butter \* \* \* Churned and distributed \* \* \* by Talbot, Woods & Co."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 18, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$12.50 on each of the two counts, totaling \$25, and costs.

**2368. Adulteration of butter. U. S. v. Puritan Dairy Products Co. Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 4176. Sample Nos. 43242-E, 43243-E.)**

On September 6, 1941, the United States attorney for the District of Kansas filed an information against Puritan Dairy Products Co., a corporation at Pittsburg, Kans., alleging shipment within the period from on or about February 25 to on or about March 2, 1940, from the State of Kansas into the State of Oklahoma of quantities of butter that was adulterated. It was labeled in part: "Puritan Brand Butter."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 12, 1941, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$50 on each of the two counts, totaling \$100, and costs.

**2369. Adulteration of butter. U. S. v. 87 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 5874. Sample Nos. 62329-E, 62333-E.)**

On August 30, 1941, the United States attorney for the Northern District of Illinois filed a libel against 87 cubes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 13, 1941, by the American Dairies, Inc., from Kansas City, Mo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 23, 1941, the American Dairies, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**2370. Adulteration of butter. U. S. v. 4 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 5871. Sample No. 58093-E.)**

On August 5, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 4 cartons, each containing 30 pounds, of butter at Marinette, Wis., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by Best Bros. Creamery from Iron Mountain, Mich.; and charging that it was adulterated. It was labeled in part: "Best Creamery Butter."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or extracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

On October 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2371. Adulteration of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 6054. Sample No. 56977-E.)

On October 14, 1941, the United States attorney for the Southern District of New York filed a libel against 6 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 1, 1941, by the Brewster Creamery of Brewster, Minn., from Duluth, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Dist. by W. W. Elzea Inc. \* \* \* 64# Net."

On October 24, 1941, the Brewster Creamery Co., claimant, having admitted the the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

**2372. Adulteration of butter. U. S. v. 23 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 6222. Sample No. 53582-E.)

On November 5, 1941, the United States attorney for the Southern District of California filed a libel against 23 68-pound cubes of butter at Los Angeles, Calif., alleging that the article had been introduced in interstate commerce on or about October 27, 1941, by Brooklawn Creamery Co., from Beaver, Utah; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Sweet Cream Butter \* \* \* Lucerne Cream & Butter Company \* \* \* Los Angeles, California."

On December 3, 1941, Lucerne Cream & Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned under the supervision of the Food and Drug Administration.

**2373. Adulteration of butter. U. S. v. 68 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5404. Sample No. 62328-E.)

This product was deficient in milk fat, in addition to containing mold.

On August 1, 1941, the United States attorney for the Northern District of Illinois filed a libel against 68 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on July 18, 1941, by the Cincinnati Terminal Warehouse Co. from Cincinnati, Ohio; and charging that it was adulterated.

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; in that a valuable constituent, to wit, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On October 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2374. Adulteration and misbranding of butter. U. S. v. 427 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 5703. Sample No. 29729-E.)

On August 16, 1941, the United States attorney for the Southern District of Ohio filed a libel against 427 cartons of butter at Cincinnati, Ohio, which had been consigned on or about July 25, 1941, alleging that the article had been shipped in interstate commerce by the Cloverleaf Creamery, Inc., from Decatur, Ind.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was offered for sale under the name of butter, a product which should contain not less than 80 percent by weight of milk fat.

On September 29, 1941, Cloverleaf Creamery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**2375. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5130. Sample No. 56916-E.)

On June 26, 1941, the United States attorney for the District of New Jersey filed a libel against 13 tubs of butter at Jersey City, N. J., alleging that the article



had been shipped in interstate commerce on or about June 5, 1941, by the Emerald Cooperative Creamery from Emerald, Wis.; and charging that it was adulterated and misbranded. The article was labeled in part: "June Dairy Sweet Cream Butter \* \* \* June Dairy Products Co. Inc. Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," borne on the labels, was false and misleading.

On August 29, 1941, the June Dairy Products Co., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so as to contain at least 80 percent by weight of milk fat.

**2376. Adulteration of butter. U. S. v. 22 Tubs of Butter. Default decree of condemnation. Product ordered delivered to a charitable organization.** (F. D. C. No. 6211. Sample No. 56979-E.)

On or about October 23, 1941, the United States attorney for the District of New Jersey filed a libel against 22 tubs, each containing approximately 64 pounds, of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 4, 1941, by Farmers Cooperative Creamery Association, Lake Benton, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by Gude & Cole, Inc. \* \* \* Newark, N. J. \* \* \* Minnesota Brand."

On November 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

**2377. Adulteration of butter. U. S. v. 28 Tubs, 15 Tubs, and 15 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked.** (F. D. C. Nos. 6141, 6142, 6144. Sample Nos. 56980-E, 56981-E, 74548-E.)

On October 20 and 22, 1941, the United States attorney for the Southern District of New York filed libels against 58 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 2 and 7, 1941, by the Farmers Mutual Cooperative Creamery from Sioux Center, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On November 3, 1941, the Farmers Mutual Cooperative Creamery, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

**2378. Adulteration of butter. U. S. v. 31 Boxes and 13 Cartons of Butter. Consent decree of condemnation. Product ordered released to be reworked.** (F. D. C. Nos. 6035, 6131. Sample Nos. 51875-E, 75923-E, 75932-E.)

On October 8 and 16, 1941, the United States attorney for the District of Massachusetts filed libels against 31 boxes and 13 cartons, each containing 66 pounds, of butter at Somerville, Mass., alleging that the article had been shipped on or about September 23 and 30, 1941, by Foley Creamery Co. from Foley, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter \* \* \* Pipestone Produce Co., Somerville, Mass."

On October 31, 1941, the cases having been consolidated and Pipestone Produce Co., claimant, having admitted the allegations of the libel and having paid into the court \$2,380 in lieu of bond, judgment of condemnation was entered and the product was ordered released to be reworked under the direction and supervision of the Food and Drug Administration.

**2379. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 6129. Sample No. 54220-E.)

On October 15, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 12 tubs of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 3, 1941, by the Hanover Creamery Association from Hanover, N. Dak.;



and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 17, 1941, Frank Hellerick & Co. of Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to comply with the law under the supervision of the Food and Drug Administration.

**2380. Adulteration of butter. U. S. v. 40 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.**  
(F. D. C. No. 6174. Sample No. 75935-E.)

On October 21, 1941, the United States attorney for the District of Massachusetts filed a libel against 40 68-pound boxes of butter at Somerville, Mass., alleging that the article had been shipped on or about October 7, 1941, by the Harding Creamery Co. from Harding, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Pipestone Produce Co. Somerville, Mass."

On October 31, 1941, Pipestone Produce Co., claimant, having admitted the allegations of the libel and having paid into the court \$2,380 in lieu of bond, judgment of condemnation was entered and the product was ordered released to be reworked under the supervision of the Food and Drug Administration.

**2381. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.**  
(F. D. C. No. 6055. Sample No. 75925-E.)

On October 10, 1941, the United States attorney for the District of Massachusetts filed a libel against 14 tubs, each containing 62 pounds, of butter at Somerville, Mass., alleging that the article had been shipped on or about September 24, 1941, by the Hull Farmers Co-Op. Creamery Association from Sheldon, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Farmers Co-Op. Creamery, Hull, Iowa."

On October 31, 1941, Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel and having paid into the court \$2,380 in lieu of bond, judgment of condemnation was entered and the product was ordered released to be reworked under the supervision of the Food and Drug Administration.

**2382. Adulteration and misbranding of butter. U. S. v. 5 Cartons and 1 Carton of Butter. Consent decree of condemnation and destruction.** (F. D. C. No. 5707. Sample No. 43384-E.)

On July 28, 1941, the United States attorney for the District of Kansas filed a libel against 5 cartons each containing 20 1-pound rolls, and 1 carton containing 15 1-pound rolls of butter at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about July 20 and 22, 1941, by the Kroger Grocery & Baking Co. from North Kansas City, Mo.; and charging that it was adulterated and misbranded. It was labeled in part: (Roll wrapper) "Kroger's Country Club Quality Brand Roll Creamery Butter."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. It was alleged to be misbranded in that it was labeled "Butter," but it was not butter as required by law.

On September 12, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

**2383. Adulteration of butter. U. S. v. 14 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.**  
(F. D. C. No. 6210. Sample No. 53783-E.)

On October 28, 1941, the United States attorney for the Southern District of California filed a libel against 14 68-pound cubes of butter at Los Angeles, Calif., alleging that the article had been introduced in interstate commerce on or about October 18, 1941, by Montrose Co-op Creamery from Montrose, Colo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Gold Band Butter Made by Montrose Creamery Co."



On November 17, 1941, Challenge Cream & Butter Association, Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned under the supervision of the Food and Drug Administration.

**2384. Adulteration of butter. U. S. v. 71 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6169. Sample No. 56985-E.)

On or about October 23, 1941, the United States attorney for the District of New Jersey filed a libel against 71 cartons, each containing approximately 54 pounds, of butter at Jersey City, N. J., alleging that the article had been shipped on or about October 6, 1941, by North American Creameries, Inc., Paynesville, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Gr. A & P Tea Co. N. Y. Distributors."

On December 19, 1941, North American Creameries, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered (amended December 19, 1941) and the product was ordered released under bond to be reworked so that it contain at least 80 percent of butterfat.

**2385. Adulteration and misbranding of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5716. Sample No. 56941-E.)

On August 11, 1941, the United States attorney for the Southern District of New York filed a libel against 21 tubs, each containing approximately 62 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about August 1, 1941, by Omaha Cold Storage Co., Omaha, Nebr.; and charging that it was adulterated and misbranded. It was labeled in part: "Douglas Brand \* \* \* Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading.

On August 28, 1941, Bellevue Creamery & Produce Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**2386. Adulteration and misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of forfeiture. Product ordered released under bond.** (F. D. C. No. 5708. Sample No. 43489-E.)

On July 31, 1941, the United States attorney for the Northern District of Oklahoma filed a libel against 3 cases, each containing 30 1-pound cartons, of butter at Miami, Okla., alleging that the article had been shipped on or about July 20 and 21, 1941, by Puritan Dairy Products Co. from Pittsburg, Kans.; and charging that it was adulterated and misbranded. It was labeled in part: "Puritan Butter."

The article was alleged to be adulterated in that there was omitted therefrom, in whole or in part, a valuable constituent, milk fat; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. It was alleged to be misbranded in that it was labeled "Butter," when in truth and in fact it was not butter as required by law.

On August 14, 1941, Puritan Dairy Products Co., Miami, Okla., claimant, having consented to the entry of a decree, judgment of forfeiture was entered and the product was ordered released under bond conditioned that it be disposed of in compliance with the law under the supervision of the Food and Drug Administration. The product was reworked and released for sale.

**2387. Adulteration and misbranding of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5129. Sample No. 56917-E.)

On June 26, 1941, the United States attorney for the District of New Jersey filed a libel against 9 tubs of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 4, 1941, by Schwens Ice Cream Co. from Blue Earth, Minn.; and charging that it was



adulterated and misbranded. It was labeled in part: "June Dairy Products Co. Inc. Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading.

On August 29, 1941, the June Dairy Products Co., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so as to contain at least 80 percent by weight of milk fat.

**2388. Adulteration of butter. U. S. v. 2 Cartons of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 6053. Sample No. 56976-E.)

On October 14, 1941, the United States attorney for the Southern District of New York filed a libel against 2 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 28, 1941, by the Silver Creek Creamery from Silver Creek, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "60 Lbs. Net Weight Creamery Butter Distributed by Gude Bros. Kieffer Co. \* \* \* New York."

On November 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2389. Adulteration and misbranding of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 5219. Sample No. 49078-E.)

On or about July 7, 1941, the United States attorney for the Northern District of Texas filed a libel against 10 cubes, each containing 68 pounds, of butter at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about June 17, 1941, by the Smith Creamery & Produce Co. from Fairview, Okla.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading; and in that it failed to bear the name and address of the manufacturer, packer, or distributor.

On August 25, 1941, Fort Worth Poultry & Egg Co., Inc., Fort Worth, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered (amended October 22, 1941) and the product was ordered released under bond to be reworked under the direction of the Food and Drug Administration.

**2390. Adulteration of butter. U. S. v. 34 Cases and 26 Pounds of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6378. Sample No. 73295-E.)

On or about November 22, 1941, the United States attorney for the District of Kansas filed a libel against 34 cases each containing 32 pounds, and 26 loose pounds, of butter at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about November 13, 1941, by the Sni-A-Bar Creamery Co. from Independence, Mo.; and charging that it was adulterated. It was labeled in part: (Parchment wrapper) "Daisy Maid Brand Creamery Butter."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On December 1, 1941, Sni-A-Bar Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**2391. Adulteration of butter. U. S. v. 14 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 6177. Sample No. 62357-E.)

On October 21, 1941, the United States attorney for the Northern District of Illinois filed a libel against 14 boxes of butter at Chicago, Ill., alleging that



the article had been shipped in interstate commerce on or about October 4, 1941, by the Sunflower Creamery Co. from Manhattan, Kans.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 31, 1941, the Sunflower Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**2392. Adulteration and misbranding of butter. U. S. v. 8 Cubes, 44 Cubes, 43 Cubes, and 44 Cubes of Butter. Decrees of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. Nos. 5168, 5701, 6083, 6084. Sample Nos. 22313-E, 22314-E, 22316-E, 22904-E, 22906-E, 22908-E, 22909-E, 22912-E, 72113-E, 72117-E.)

Between June 27 and October 4, 1941, the United States attorneys for the Northern and Southern Districts of California filed libels against 52 68-pound cubes of butter at San Francisco, Calif., and 87 68-pound cubes of butter at Los Angeles, Calif., alleging that the article had been shipped from Tulia, Tex., by Swisher Creamery, Inc., within the period from on or about May 30 to on or about July 7, 1941, and by Swisher County Creamery Co. on or about May 24, 1941; and charging that it was adulterated and that a portion was also misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. A portion of the article was alleged to be misbranded in that it was labeled "Butter," which was false and misleading.

On August 14 and 15 and October 24, 1941, Swisher Creamery, Inc., having appeared as claimant for all lots, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be made to conform with the law under the supervision of the Food and Drug Administration.

**2393. Adulteration of butter. U. S. v. 106 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6212. Sample No. 74547-E.)

On or about October 23, 1941, the United States attorney for the District of New Jersey filed a libel against 106 cartons, each containing approximately 60 pounds, of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about October 6, 1941, by Turtle Lake Cooperative Creamery, Turtle Lake, Wis.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "June Dairy Products Co., Inc. Distributors Jersey City, N. J. \* \* \* Seaboard T. & R. Co."

On November 5, 1941, June Dairy Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**2394. Misbranding of butter. U. S. v. 19 Shipping Containers and 5 Bundles of Butter. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 6282. Sample No. 62364-E.)

This product was short of the declared weight.

On November 5, 1941, the United States attorney for the Northern District of Illinois filed a libel against 19 shipping containers each containing 6 5-pound bundles, and 5 5-pound bundles of butter at Chicago, Ill., alleging that the article had been shipped on or about October 27, 1941, by Fountain City Creamery from Fountain City, Wis.; and charging that it was misbranded. It was labeled in part: "Chiplets \* \* \* 1/3 lb. net."

The article was alleged to be misbranded in that its labeling was false and misleading since the statement "1/3 lb. net" was incorrect; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On November 21, 1941, Maloney, Cunningham & De Vic, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.



## CHEESE

**2395. Adulteration of cheese. U. S. v. 101 and 348 Cases of Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 5436. Sample Nos. 53186-E, 53187-E.)

This product contained rodent hairs and insect fragments.

On August 22, 1941, the United States attorney for the Southern District of California filed a libel against 449 cases, each containing 8 loaves of cheese, at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 30, 1941, by the Frink Creamery Co. from Fort Collins, Colo.; and charging that it was adulterated. The article was labeled in part: (Loaves) "Mountain Kist Brand Danish Export Type Part Skim Cheese."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2396. Misbranding of cheese. U. S. v. 16½ Boxes of Cheddar Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 4939. Sample No. 58500-E.)

This product contained less milk fat than that required by the standard, which provides that the solids of Cheddar cheese shall contain not less than 50 percent of milk fat.

On June 14, 1941, the United States attorney for the Western District of Wisconsin filed a libel against 16½ boxes of Cheddar cheese at Ashland, Wis., alleging that the article had been shipped in interstate commerce on or about April 17, 1941, by the Ironwood Co-op. Creamery Association from Ironwood, Mich.; and charging that it was misbranded. It was labeled in part: "Michigan 186 White Cheddars."

The article was alleged to be misbranded in that the statements, (box) "White Cheddars" and (stamped on cheese) "Cheddar Cheese," were false and misleading as applied to an article deficient in milk fat; in that it was offered for sale under the name of another food; in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and did not bear a label containing an accurate statement of the quantity of the contents; and in that it purported to be Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard, since its solids contained less than 50 percent of milk fat.

On October 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## EGGS

Nos. 2397 to 2401 report actions based on interstate shipments of eggs that were in whole or in part decomposed.

**2397. Adulteration of frozen eggs. U. S. v. Puget Sound Egg Packers. Plea of nolo contendere. Judgment of guilty. Fine, \$50.** (F. D. C. No. 4179. Sample No. 13699-E.)

On August 22, 1941, the United States attorney for the Western District of Washington filed an information against Puget Sound Egg Packers, a corporation, Tacoma, Wash., alleging delivery on or about July 19, 1941, for introduction in interstate commerce from the State of Washington into the Territory of Hawaii, of a quantity of frozen eggs that were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On September 9, 1941, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of \$50.

**2398. Adulteration of frozen whole eggs. U. S. v. 14 Cans of Whole Eggs. Default decree of condemnation and destruction.** (F. D. C. No. 4852. Sample No. 56909-E.)

On May 31, 1941, the United States attorney for the District of New Jersey filed a libel against 14 cans of frozen whole eggs at Jersey City, N. J., alleging



that the article had been shipped in interstate commerce on or about May 18, 1941, by the Highway Butter & Egg Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a putrid and decomposed substance.

On September 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2399. Adulteration and misbranding of frozen whole eggs. U. S. v. 77 and 100 Cans of Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 5299. Sample Nos. 56931-E, 56932-E.)**

On August 6, 1941, the United States attorney for the District of New Jersey filed a libel against 177 cans, each containing 30 pounds, of whole eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 19 and 21, 1941, from Kansas City, Mo., by Leo Stein; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

It was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On October 7, 1941, the H. L. Barker Co., Inc., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and disposed of by destruction or for some purpose other than human consumption.

**2400. Adulteration of frozen whole eggs. U. S. v. 15 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 6093. Sample No. 56987-E.)**

On October 29, 1941, the United States attorney for the Southern District of New York filed a libel against 15 cans of frozen whole eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 16, 1941, by Barney Weiner; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2401. Adulteration of liquid egg yolk. U. S. v. 6 Cans of Egg Yolks. Default decree of condemnation and destruction. (F. D. C. No. 4846. Sample No. 61008-E.)**

On May 29, 1941, the United States attorney for the Western District of Washington filed a libel against 6 cans of egg yolks at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 21, 1941, by the Portland Egg & Poultry Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2402. Adulteration and misbranding of egg yolk. U. S. v. 4 Cases and 1 Case of Egg Yolk. Consent decree of condemnation. Product ordered released under bond to be reprocessed and relabeled. (F. D. C. No. 4947. Sample Nos. 69061-E, 69062-E, 69065-E, 69066-E, 69067-E.)**

This product was represented to be dried egg yolk; whereas it consisted of a mixture of dried egg yolk, soybean flour, and carotin.

On June 19, 1941, the United States attorney for the Eastern District of New York filed a libel against 5 cases, each containing 200 pounds, of egg yolk at Brooklyn, N. Y., alleging that the article had been imported from China within the period from on or about June 15, 1939, to on or about July 29, 1940; and charging that it was adulterated and misbranded. It was labeled in part: "Spray Hen Egg Yolk Packed by Hongkong Export Co."; or "Egg Yolk."

The article was alleged to be adulterated in that a spray-dried egg yolk containing soybean flour with added carotin had been substituted wholly or in part for spray hen egg yolk; and in that soybean flour with added carotin had been added to the article or mixed or packed therewith so as to reduce



its quality or strength. It was alleged to be misbranded in that the names "Egg Yolk" and "Spray Hen Yolk" were false and misleading; in that it was offered for sale under the name of another food; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On December 1, 1941, Rogol Distributors, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be mixed with 10 percent of cocoa so that it could not be sold as spray hen egg yolk and that it be properly relabeled, all under the supervision of the Food and Drug Administration.

## FISHERIES PRODUCTS

### SHELLFISH

**2403. Alleged adulteration of oysters. U. S. v. Isaac W. Lawson and Norman E. Lawson (I. W. Lawson & Co.). Plea of nolo contendere. Judgment of not guilty.** (F. D. C. No. 4180. Sample Nos. 21886-E, 42303-E, 42304-E, 42309-E, 42313-E, 42314-E, 42317-E.)

This case was instituted on charges based on the alleged presence of excess water in certain shipments of oysters.

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Isaac W. Lawson and Norman E. Lawson, copartners, trading as I. W. Lawson & Co., Crisfield, Md., alleging shipment within the period from on or about November 8 to on or about December 18, 1940, from the State of Maryland into the States of Pennsylvania and California, of quantities of oysters that were adulterated in that a substance, namely, water, had been substituted in part for oysters; and in that water had been added thereto or mixed or packed therewith so as to increase their bulk or weight and reduce their quality.

On October 3, 1941, the defendants having entered a plea of nolo contendere, the court entered a judgment of not guilty.

**2404. Adulteration of oysters. U. S. v. Wilbur F. Morgan and Cranston Morgan (W. F. Morgan & Son). Plea of guilty. Fine, \$20.** (F. D. C. No. 4173. Sample Nos. 20932-E, 20933-E.)

This product contained added water.

On July 19, 1941, the United States attorney for the Eastern District of Virginia filed an information against Wilbur F. Morgan and Cranston Morgan, copartners, trading as W. F. Morgan & Son, Weems, Va., alleging shipment on or about November 12, 1940, from the State of Virginia into the State of North Carolina of a quantity of oysters that were adulterated.

The article was alleged to be adulterated in that water had been substituted in part for oysters; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 21, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$20.

**2405. Misbranding of canned oysters. U. S. v. 34 Cases of Canned Oysters. Default decree of condemnation and destruction.** (F. D. C. No. 4972. Sample No. 49364-E).

The drained weight of this product was short of the declared drained weight.

On June 23, 1941, the United States attorney for the District of Massachusetts filed a libel against 34 cases of canned oysters at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 10, 1941, by Humphreys Canning Co. from Gulfport, Miss.; and charging that it was misbranded. The article was labeled in part: (Cans) "Treasure Bay Brand Oysters Drained Wt. 5 Oz. Packed by Kuluz Bros. Pkg. Co., Inc. Biloxi, Miss."

It was alleged to be misbranded in that the statement "Drained Weight 5 Oz." was false and misleading since the can contained less than that amount of oysters. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.



On August 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2406. Adulteration of canned oysters. U. S. v. 5 Cases of Oysters. Default decree of condemnation and destruction.** (F. D. C. No. 5149. Sample Nos. 49176-E, 60436-E.)

Examination of this product showed the presence of decomposed oysters.

On July 16, 1941, the United States attorney for the District of Oregon filed a libel against 5 cases of canned oysters at Salem, Oreg., alleging that the article had been shipped in interstate commerce on or about May 19, 1941, by Indian Ridge Canning Co. from Houma, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tasty Pak Oysters Net Contents 5 Ozs. Avoir."

On September 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2407. Adulteration and misbranding of canned clams. U. S. v. 22 Cases of Clams. Default decree of condemnation and destruction.** (F. D. C. No. 4899. Sample No. 51008-E.)

This product contained excessive packing medium.

On June 10, 1941, the United States attorney for the District of Rhode Island filed a libel against 22 cases of clams at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about April 5, 1941, by L. A. Fish & Co. from Machias, Maine; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Fish's Maine Clams Contents 10½ Oz. Avoir."

The article was alleged to be adulterated in that diluted clam juice had been substituted in whole or in part for clams. It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On December 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2408. Adulteration of crab meat. U. S. v. 90 1-Pound Tins of Crab Meat. Default decree of condemnation and destruction.** (F. D. C. No. 5869. Sample No. 50579-E.)

This product contained evidence of the presence of filth.

On August 15, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 90 1-pound tins of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by N. R. Coulbourn from Hampton, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2409. Adulteration and misbranding of shrimp. U. S. v. 19 Cases of Shrimp. Default decree of condemnation and destruction.** (F. D. C. No. 4878. Sample No. 35193-E.)

Examination of this product showed the presence of decomposed shrimp. It consisted of a mixture of ungraded shrimp containing appreciable quantities of shell, feelers, and swimmerets, and was of poor color, not uniform, not fresh, and was also short of the declared weight.

On June 4, 1941, the United States attorney for the Western District of Louisiana filed a libel against 19 cases, each containing 48 cans, of shrimp at De Quincy, La., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, by the Phelan Co. from Beaumont, Tex.; and charging that it was adulterated and misbranded. The article was labeled in part: "Ama Brand Wet Pack Fancy Shrimp Drained Weight 5¾ Ounces Packed by A. M. Angelette Raceland, Louisiana."

The article was alleged to be adulterated in that it consisted wholly or in part of decomposed shrimp containing appreciable amounts of shell, feelers, and swimmerets.

It was alleged to be misbranded in that the term "Fancy" and the statement "Drained Weight 5¾ Ounces" were false and misleading as applied to an



article which was of poor color, not uniform, and not fresh; and which was short of the declared weight. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2410. Adulteration of scallops. U. S. v. 22 1-Gallon Cans of Scallops. Default decree of condemnation and destruction. (F. D. C. No. 5449. Sample No. 56957-E.)**

Examination showed that this product contained added water.

On August 27, 1941, the United States attorney for the Southern District of New York filed a libel against 22 gallon cans of scallops at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 20, 1941, by Hawker's Market from Bradenton, Fla.; and charging that it was adulterated.

The article was alleged to be adulterated in that water had been substituted wholly or in part therefor; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On September 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**FROZEN FISH**

Nos. 2411 to 2428 report the seizure and disposition of frozen fish that was in whole or in part decomposed.

**2411. Adulteration of frozen flounder fillets. U. S. v. 47 Boxes of Flounder Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5471. Sample No. 59017-E.)**

On August 29, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 47 boxes of flounder fillets at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about August 14, 1941, by the P. H. Prior Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "10 Lbs. Net Frosted Fillets Wachusett Brand."

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2412. Adulteration of frozen haddock. U. S. v. 161 Boxes of Frozen Small Haddock. Default decree of condemnation and destruction. (F. D. C. No. 5599. Sample No. 50861-E.)**

On August 30, 1941, the United States attorney for the District of Maryland filed a libel against 161 boxes of frozen small haddock at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 19, 1941, by the Boston Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2413. Adulteration of frozen haddock fillets. U. S. v. 113 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5408. Sample No. 37082-E.)**

On or about August 27, 1941, the United States attorney for the District of South Carolina filed a libel against 113 boxes of haddock fillets at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about August 8, 1941, by Coleman Son Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Northeast Haddock Fillets 15 Lbs. Net Produced By Gloucester Fresh Fish Co., Boston, Mass."

On October 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2414. Adulteration of haddock fillets. U. S. v. 583 Boxes of Haddock Fillets and 230 Boxes of Small Haddock Fillets. Consent decree of condemnation. Product ordered released under bond for salvaging of the fit portion.** (F. D. C. No. 5407. Sample No. 66027-E.)

On August 21, 1941, the United States attorney for the Northern District of Illinois filed a libel against 813 15-pound boxes of haddock fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 5, 1941, by L. B. Goodspeed, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Fancy Frosted Haddock [or "Small Haddock"] Fillets."

On September 5, 1941, L. B. Goodspeed, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the good portion under the supervision of the Food and Drug Administration.

**2415. Adulteration of frozen fillets. U. S. v. 255 Boxes of Frosted Haddock Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 5385. Sample No. 79829-E.)

On August 16, 1941, the United States attorney for the Southern District of Ohio filed a libel against 255 15-pound boxes of frozen haddock fillets at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about August 6, 1941, by the New England Fillet Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2416. Adulteration of haddock fillets. U. S. v. 44 Boxes of Frosted Fillets of Haddock. Default decree of condemnation and destruction.** (F. D. C. No. 5140. Sample No. 67012-E.)

On July 11, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 44 boxes of haddock fillets at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 27, 1941, by the Progressive Fish Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2417. Adulteration of frozen perch fillets. U. S. v. 146 Boxes and 117 Boxes of Perch Fillets. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5437, 5741, 5742. Sample Nos. 49114-E, 66031-E.)

On August 26 and on or about September 16, 1941, the United States attorneys for the Northern District of Illinois and the Northern District of Texas filed libels against 146 10-pound boxes of ocean perch fillets at Chicago, Ill., and 117 10-pound boxes of red perch fillets at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about August 9 and 26, 1941, by the Booth Fisheries Corporation from Gloucester and from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 9 and 18, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2418. Adulteration of frozen ocean perch fillets. U. S. v. 144 Boxes of Perch Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 5640. Sample No. 62267-E.)

On September 6, 1941, the United States attorney for the Northern District of Illinois filed a libel against 144 boxes of perch fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 23, 1941, by the Progressive Fish Wharf, Inc., from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Boxes) "Frosted Ocean Perch Fillets Packed By Progressive Fillet Co. Gloucester, Mass."

On October 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2419. Adulteration of frozen pollack fillets. U. S. v. 51 Boxes of Pollack Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5450. Sample No. 59397-E.)**

On August 27, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 51 boxes of pollack fillets at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about August 6, 1941, by the American Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Cape Ann Brand Pollock Fillets Packed By Cape Ann Fisheries Inc. Gloucester, Mass."

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2420. Adulteration of frozen pollack fillets. U. S. v. 127 Boxes of Frozen Pollack Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5643. Sample No. 59622-E.)**

On September 9, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 127 boxes of pollack fillets at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about August 23, 1941, by Cape Ann Fisheries, Inc., from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Cape Ann Brand Pollock Fillets."

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2421. Adulteration of whiting and cod fillets. U. S. v. 238 and 350 Cases of Whiting Fillets and 72 Boxes of Cod Fillets. Default decrees of condemnation and destruction. (F. D. C. Nos. 5591, 5622. Sample Nos. 59602-E, 59619-E.)**

On August 29 and September 6, 1941, the United States attorney for the Southern District of West Virginia filed libels against 588 cases of whiting fillets and 72 boxes of cod fillets at Charleston, W. Va., alleging that the articles had been shipped in interstate commerce on or about August 9 and 21, 1941, by 40-Fathom Fish, Inc., from Boston, Mass.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "H & G Whiting [or "Skinless Cod Fillets Perch] \* \* \* Packed by General Seafoods Corporation Boston, Mass."

On September 23 and 26, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2422. Adulteration of frozen whiting. U. S. v. 44 Cartons of Whiting Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5620. Sample No. 49928-E.)**

On September 4, 1941, the United States attorney for the Southern District of Texas filed a libel against 44 cartons, each containing 20 pounds, of whiting at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about July 17, 1941, by the Gorton-Pew Fisheries Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cartons) "Gortons Whiting Fillets Cello."

On October 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2423. Adulteration of frozen whiting. U. S. v. 67 Boxes of Whiting. Default decree of condemnation and destruction. (F. D. C. No. 5453. Sample No. 29731-E.)**

On August 26, 1941, the United States attorney for the Western District of Kentucky filed a libel against 67 boxes of whiting at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about August 8, 1941, by the Great Atlantic & Pacific Tea Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Produced by Gloucester Fresh Fish Co. \* \* \* H&G (or D) Whiting."

On September 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2424. Adulteration of frozen whiting. U. S. v. 200 Boxes of Whiting Fillets (and 5 other seizure actions against frozen whiting). Consent decree of condemnation and product released under bond in one case; default decrees of condemnation and destruction in remaining cases.** (F. D. C. Nos. 5448, 5616, 5665, 5666, 5763, 5991. Sample Nos. 29619-E, 29630-E, 29636-E, 29738-E, 79106-E, 79108-E, 79118-E, 79312-E.)

Between August 26 and October 8, 1941, the United States attorneys for the Southern District of Ohio and the Northern District of Ohio filed libels against 2,890 boxes of frozen whiting fillets at Cincinnati, Ohio, and 706 boxes of frozen whiting fillets at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce within the period from on or about August 15 to on or about September 16, 1941, by Henry & Close, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled variously in part: "H. & G. Whiting," "Whiting Fillets \* \* \* Frozen," or "Frozen Butterfly Whiting Fillets."

On October 8, 1941, Henry & Close, Inc., having appeared as claimant for one lot, consisting of 1,180 boxes seized at Cincinnati, Ohio, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning. On October 1 and 21, and November 4 and 10, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

**2425. Adulteration of frozen whiting. U. S. v. 234 Boxes of Butterfly Whiting. Default decree of condemnation and destruction.** (F. D. C. No. 5447. Sample No. 29735-E.)

On August 27, 1941, the United States attorney for the Southern District of Ohio filed a libel against 234 boxes of fish at Xenia, Ohio, which had been consigned on or about August 11, 1941, alleging that the article had been shipped in interstate commerce on or about August 11, 1941, by the Mariners Fish Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "10 Lbs. Net Butterfly Whiting Frosted."

On October 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2426. Adulteration of frozen whiting. U. S. v. 394 Boxes of H. & G. Whiting. Default decree of condemnation and destruction.** (F. D. C. No. 5613. Sample No. 79110-E.)

On September 3, 1941, the United States attorney for the Southern District of Ohio filed a libel against 394 boxes of H. & G. whiting at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about August 21, 1941, by the New England Fillet Co. from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "15 Lbs. Net Frosted H. & G. Whiting Gloucester Sea Foods Corp."

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2427. Adulteration of frozen whiting. U. S. v. 134 Boxes of Fish. Default decree of condemnation and destruction.** (F. D. C. No. 5611. Sample No. 79114-E.)

On September 2, 1941, the United States attorney for the Southern District of Ohio filed a libel against 134 boxes of fish at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about August 16, 1941, by the O'Donnell-Usen Fisheries from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Box) "H & G Whiting Mariners Fish Co. Gloucester, Mass."

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2428. Adulteration of frozen whiting. U. S. v. 1,379 Boxes of Whiting. Default decree of condemnation and destruction.** (F. D. C. No. 5446. Sample No. 5599-E.)

On August 26, 1941, the United States attorney for the Northern District of Ohio filed a libel against 1,379 boxes of frozen fish fillets at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or



about August 14, 1941, by the Progressive Fillet Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Frosted \* \* \* H & G Whiting Frosted Fish."

On October 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2429. Adulteration of frozen whiting. U. S. v. 1,376 Boxes of Frozen Fish. Default decree of condemnation and destruction. (F. D. C. No. 5424. Sample Nos. 65506-E, 65593-E.)**

On August 23, 1941, the United States attorney for the District of Colorado filed a libel against 1,376 boxes of frozen fish at Denver, Colo., which had been consigned by Progressive Fish Co., alleging that the article had been shipped in interstate commerce on or about August 6, 1941, from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "H & G Whiting Frosted Fish."

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS

**2430. Adulteration of tullibees. U. S. v. Sivert A. Selvog (Selvog Fish Co.). Tried to the court. Judgment of guilty. Fine, \$500. (F. D. C. No. 2961. Sample No. 4388-E.)**

Examination showed that this product was infested with parasites.

On May 27, 1941, the United States attorney for the District of Minnesota filed an information against Sivert A. Selvog, trading as Selvog Fish Co. at Warroad, Minn., alleging shipment by said defendant on or about June 8, 1940, from the State of Minnesota into the State of Illinois, of a quantity of tullibees that were adulterated. The article was labeled in part: "Morris Fisheries Chicago, Illinois 1440."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, namely, tullibees infested with parasites.

On July 2, 1941, the defendant having withdrawn his plea of guilty theretofore entered and having waived a jury, the case was tried to the court on the question of the defendant's liability and responsibility for the interstate shipment, all other allegations of the information having been admitted. After hearing the evidence and arguments of counsel, the court took the case under advisement, and on July 15 entered judgment of guilty and sentenced the defendant to pay a fine of \$500.

**2431. Adulteration of salt codfish. U. S. v. 24 and 6 Cases of Codfish. Default decree of condemnation and destruction. (F. D. C. No. 4719. Sample Nos. 69046-E, 69047-E.)**

This product contained rodent hairs.

On May 9, 1941, the United States attorney for the Northern District of New York filed a libel against 30 cases of codfish at Utica, N. Y., alleging that the article had been shipped in interstate commerce on or about April 2 and 8, 1941, by the Collins-Lee Co. from Chelsea, Mass.; and charging that it was adulterated. The article was labeled in part: (Boxes) "Lily White Salt Cod Fish" or "Stillman's Boneless Salt Cod Fish."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On June 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2432. Adulteration of finnan haddie. U. S. v. 24 Boxes of Finnan Haddie. Default decree of condemnation and destruction. (F. D. C. No. 4724. Sample No. 50966-E.)**

This product contained rodent hairs.

On May 8, 1941, the United States attorney for the District of Maryland filed a libel against 24 boxes of finnan haddie at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 25, 1941, by the Collins-Lee Co. from Chelsea, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.



On June 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2433. Adulteration of canned fried frog legs. U. S. v. 2 Cases of Canned Fried Frog Legs. Default decree of condemnation and destruction. (F. D. C. No. 5429. Sample No. 54056-E.)**

Examination showed this product to be underprocessed and undergoing progressive decomposition.

On August 22, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 2 cases of canned fried frog legs at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 6, 1941, by the Nomis Corporation from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Penguin Brand \* \* \* Fried Frog Legs."

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2434. Adulteration and misbranding of canned mackerel. U. S. v. 125 Cases of Canned Mackerel. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4633. Sample No. 56304-E.)**

Examination of this product showed that it contained excessive packing medium.

On May 6, 1941, the United States attorney for the Southern District of New York filed a libel against 125 cases, each containing 48 cans, of mackerel at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 10, 1941, by Sea Pride Packing Corporation from Terminal Island (San Diego), Calif.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Sultana Mackerel Water and Salt Added Net Weight 15 Ozs."

The article was alleged to be adulterated in that packing medium had been substituted wholly or in part for mackerel. It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On July 1, 1941, the California Marine Curing & Packing Co., Terminal Island, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

**2435. Adulteration of canned salmon. U. S. v. 457 Cases and 16 Cases of Canned Salmon. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 4507. Sample Nos. 60747-E, 60749-E.)**

Samples of this product were found to be decomposed.

On April 28, 1941, the United States attorney for the Western District of Washington filed a libel against 457 cases each containing 48 1-pound cans, and 16 cases each containing 48 ½-pound cans, of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 31, 1941, by the Alaska Packers Association from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The cases were labeled in part: "Red Slack" or "Red Slacks Halves."

On July 8, 1941, Morris Muskattell, Seattle, Wash., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2436. Adulteration and misbranding of canned sardines. U. S. v. 861 Cases of Sardines. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5803. Sample No. 74504-E.)**

These sardines were not packed in pure olive oil as represented, but were packed in oil which consisted largely of an oil or a mixture of oils other than olive oil, containing little or no olive oil.

On September 23, 1941, the United States attorney for the Southern District of New York filed a libel against 861 cases of sardines at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 15, 1941, by the Addison Packing Co. from Ellsworth, Maine; and charging that it was adulterated and misbranded. It was labeled in part: (Tins) "Buoy Brand Sardines in Pure Olive Oil Seeman Brothers, Inc., Wholesale Distributors, New York, N. Y."



The article was alleged to be adulterated in that a valuable constituent, olive oil, had been in whole or in part omitted therefrom; and in that sardines in an oil other than olive oil had been substituted for sardines in pure olive oil, which it purported to be.

It was alleged to be misbranded in that the statement "in Pure Olive Oil" was false and misleading as applied to an article packed in an oil that contained little or no olive oil.

On October 11, 1941, Frank H. Reynolds, trading as B. O. Bowers Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for proper relabeling under the supervision of the Federal Security Agency.

**2437. Adulteration of fish roe. U. S. v. 3 Unlabeled Barrels of Fish Roe. Default decree of condemnation and destruction. (F. D. C. No. 5031. Sample No. 69703-E.)**

Examination showed that this product contained parasitic worms, cysts, and fish scales.

On June 30, 1941, the United States attorney for the Southern District of New York filed a libel against 3 unlabeled barrels containing approximately 1,000 pounds of fish roe at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 2, 1941, by La Pond Fisheries from Two Rivers, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FRUITS AND VEGETABLES

### FROZEN CHERRIES

**2438. Adulteration and misbranding of frozen cherries. U. S. v. 122 Cans of Cold Pack Cherries. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 5345. Sample No. 47490-E.)**

Examination showed that this product had a pronounced phenolic odor and the top layer of cherries and undissolved sugar on the surface had a phenolic taste. Furthermore, the label did not declare the presence of sugar in the product.

On or about August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 122 cans of cold pack cherries at Chicago, Ill., alleging that the article had been shipped on or about July 10, 1941, by M. W. Miller & Co. from Sturgeon Bay, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: "All Star Brand Cherries Red Tart Pitted 30 Lbs. Net When Packed."

The article was alleged to be adulterated in that it was unfit for food, and in that sugar had been substituted wholly or in part for cherries.

It was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On September 8, 1941, M. W. Miller & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. In the process of reconditioning the unfit portion was removed from each can and destroyed and the remainder was freed from the phenolic odor.

**2439. Adulteration of frozen cherries. U. S. v. 250 Cans and 1,445 Tins of Frozen Cherries. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 5461, 5660. Sample Nos. 22978-E, 23009-E.)**

Examination showed that this product contained maggots.

On August 27 and September 12, 1941, the United States attorney for the Northern District of California filed libels against 250 cans of frozen cherries at San Francisco, Calif., and 1,445 tins of frozen cherries at Sacramento, Calif., alleging that the article had been shipped in interstate commerce on or about August 8 and 9, 1941, by S. A. Moffett Co., from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "G+1 R. S. P. Cherries 30 Lbs. Net."

On October 7, 1941, S. A. Moffett & Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond



conditioned that it be made to conform to the provisions of the law under the direction of the Food and Drug Administration.

#### CANNED FRUITS

**2440. Adulteration of canned apricots. U. S. v. 224 Cases of Canned Apricots. Default decree of forfeiture and destruction. (F. D. C. No. 5756. Sample No. 27878-E.)**

Examination showed that this product was undergoing active spoilage.

On September 15, 1941, the United States attorney for the Southern District of Indiana filed a libel against 224 cases, each containing 6 No. 10 cans, of apricots at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about July 25, 1941, by Consolidated Freight Forwarding Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Monticello Brand \* \* \* B. H. Body & Co. Distributors San Francisco."

On October 17, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2441. Adulteration of canned blackberries. U. S. v. 250 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 5978. Sample No. 60494-E.)**

Examination showed that this product contained moldy berries.

On October 3, 1941, the United States attorney for the Southern District of California filed a libel against 250 cases, each containing 24 No. 2 cans, of blackberries at Los Angeles, Calif., alleging that the article had been introduced in interstate commerce on or about September 13, 1941, by the Oregon Fruit Products Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Blackberries From Oregon."

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2442. Adulteration of canned blackberries and strawberry preserves. U. S. v. Pacific Northwest Canning Co. Plea of nolo contendere. Fine, \$50 and costs. (F. D. C. No. 4191. Sample Nos. 26520-E, 55006-E.)**

Examination of these products showed that they contained moldy fruit.

On September 12, 1941, the United States attorney for the Western District of Washington filed an information against the Pacific Northwest Canning Co., a corporation, Puyallup, Wash., alleging shipment on or about August 1 and October 23, 1940, from the State of Washington into the Territory of Hawaii and the State of South Carolina, of quantities of canned blackberries and strawberry preserves, respectively, which were adulterated. The articles were labeled in part: "Famous Puyallup Brand Water Pack Blackberries"; or "Pure Fresh Fruit Strawberry Preserves."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On October 27, 1941, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

**2443. Misbranding of canned cherries. U. S. v. Grocery Distributors, Inc., and Fred R. Pacella and Woodrow W. Wolf. Pleas of guilty. Fines, \$220. (F. D. C. No. 4157. Sample Nos. 27401-E to 27405-E, incl.)**

This product, consisting of partially pitted cherries, when introduced into interstate commerce bore on its label the substandard legend required by law, but subsequently was unlawfully relabeled by the consignee as standard cherries.

On September 17, 1941, the United States attorney for the Southern District of Ohio filed an information against the above-named defendants, alleging that within the period from on or about February 27 to on or about April 5, 1939, the Lockport Canning Co. shipped from Lockport, N. Y., to Grocery Distributors, Inc., Dayton, Ohio, a quantity of canned cherries that were labeled in part: "Below U. S. Standard Good Food—Not High Grade Partially Pitted Red Sour Cherries." The information alleged further that within the period from on or about April 11 to on or about April 20, 1940, and while the article was held for sale after shipment in interstate commerce, Grocery Distributors, Inc., and Fred R. Pacella and Woodrow W. Wolf unlawfully removed the labels from a number of cans of the article and unlawfully relabeled them by affixing and causing to be affixed thereto a label bearing the following statements and design: "[De-



sign showing cherries, leaves, and dish containing piece of cherry pie] Tru Valu Brand Contents 1 Lb. 4 Oz. Pitted Red Sour Cherries in Water Packed for Lush's Brand Distributors, Inc. \* \* \* Chicago Ill." The information charged that the article when so relabeled was misbranded in that it purported or was represented to be canned pitted cherries, a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard since there was present more than 1 pit to each 20 ounces of canned cherries and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 3, 1941, the defendants having entered pleas of guilty, the court imposed a fine of \$200 on the corporation and a fine of \$10 upon each of the individual defendants.

**2444. Misbranding of canned cherries. U. S. v. 41 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 5248. Sample No. 65327-E.)

Examination showed that this product was substandard because more than 1 pit was present in each 20 ounces of canned cherries, namely, an average of 2.01 pits per 20 ounces.

On August 19, 1941, the United States attorney for the District of Wyoming filed a libel against 41 cases, each containing 24 No. 2 cans, of cherries at Rock Springs, Wyo., alleging that the article had been shipped in interstate commerce on or about March 17, 1941, by the Royal Canning Corporation from Ogden, Utah; and charging that it was misbranded. It was labeled in part: "Little Boy Blue Water Packed Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it was represented to be pitted cherries, but fell below the standard of quality prescribed therefor by regulations as provided by law.

On October 27, 1941, the Royal Canning Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2445. Adulteration of canned huckleberries. U. S. v. 15 Cases of Canned Huckleberries. Default decree of forfeiture and destruction.** (F. D. C. No. 5937. Sample No. 61750-E.)

Examination showed that this product contained worms.

On October 4, 1941, the United States attorney for the District of Idaho filed a libel against 15 cases, each containing 6 No. 10 cans, of huckleberries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 13, 1941, by the United Fruit & Produce Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Midfield Brand Water Pack Huckleberries \* \* \* Packed by Midfield Packers, Olympia, Wash."

On October 31, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2446. Misbranding of canned peaches. U. S. v. 99 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 5814. Sample No. 48196-E.)

This product contained peel and blemished units in excess of the amounts permitted by the standard of quality for canned peaches, and it was not labeled to indicate that fact as required by law.

On or about September 24, 1941, the United States attorney for the Southern District of Florida filed a libel against 99 cases, each containing 24 No. 2 cans, of peaches at Jacksonville, Fla., alleging that the article had been shipped on or about August 5, 1941, by Bankston-Edwards Canning Co. from Zebulon, Ga.; and charging that it was misbranded. It was labeled in part: "Becco Brand \* \* \* White Freestone Peaches."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 29, 1941, Bankston-Edwards Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.



**2447. Misbranding of canned peaches. U. S. v. 94 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6003. Sample No. 70107-E.)**

Examination of this product showed that it consisted of peach halves of which the units were of mixed sizes and were unevenly trimmed.

On October 9, 1941, the United States attorney for the Middle District of North Carolina filed a libel against 94 cases, each containing 24 cans, of peaches at Sanford, N. C., alleging that the article had been shipped on or about September 4, 1941, by the Holloway Canning Co. from Meansville, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Halves Alimosa Yellow Georgia Freestone Peaches in Light Syrup Contents 1 Lb. 12 Oz."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 23, 1941, the Holloway Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

Nos. 2448 to 2450 report the seizure and disposition of canned peaches that were substandard in that (1) they consisted of peach halves of which the weight of some units was less than  $\frac{3}{5}$  ounce (the minimum required weight); (2) the weight of the largest unit in the container was more than twice the weight of the smallest unit; and (3) the units were not so trimmed as to preserve their normal shape. These products did not bear on their labels the substandard legend required by law.

**2448. Misbranding of canned peaches. U. S. v. 950 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5649. Sample No. 48188-E.)**

On or about September 10, 1941, the United States attorney for the Southern District of Florida filed a libel against 950 cases, each containing 24 cans, of peaches at Jacksonville, Fla., alleging that the article had been shipped on or about July 28, 1941, by Pomona Products Co. from Griffin, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Sunshine Brand Contents 1 Lb. 13 Oz. Halves Yellow Free Peaches in Light Syrup."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 20, 1941, Pomona Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**2449. Misbranding of canned peaches. U. S. v. 42 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. D. C. No. 5943. Sample No. 59435-E.)**

On October 2, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 42 cases, each containing 24 cans, of peaches at Norfolk, Va., alleging that the article had been shipped on or about September 6, 1941, by Cherokee Products Co. from Haddock, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "O'Sage Brand Yellow Freestone Peaches Halves in Light Syrup Contents 1 Lb. 12 Ozs."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2450. Misbranding of canned peaches. U. S. v. 337 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5815. Sample No. 48198-E.)**

On September 22, 1941, the United States attorney for the Southern District of Florida filed a libel against 337 cases, each containing 24 cans, of peaches



at Jacksonville, Fla., alleging that the article had been shipped on or about July 17 and 18, 1941, by J. W. Holloway, Jr., from Andersonville, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Contents 1 Lb. 13 Ozs. Big Ben Brand Halves White Freestone Peaches in Light Syrup Packed by Easterlin Packing Co. Andersonville, Ga."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 24, 1941, J. W. Holloway, Jr., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

#### CANNED VEGETABLES

**2451. Misbranding of canned corn. U. S. v. 768 Cases of Canned Corn. Judgment of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 4308. Sample No. 40579-E.)

Examination of this product showed some of it to be Grade B and some of it Grade C corn instead of Fancy and Grade A as represented on the label.

On April 14, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel (amended May 16, 1941) against 768 cases, each containing 24 No. 2 cans, of corn at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 5, 1941, by Ladoga Canning Co. from Indianapolis, Ind.; and charging that it was misbranded. The article was labeled in part: "Asco Brand Country Gentleman Fancy White Sugar Corn Cream Style \* \* \* Grade A."

It was alleged to be misbranded in that the statements "Fancy" and "Grade A," appearing on the labels, were false and misleading as applied to Grade B and Grade C corn.

On October 30, 1941, American Stores Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

**2452. Misbranding of canned corn. U. S. v. 24 Cases of Canned Corn. Default decree of condemnation and destruction.** (F. D. C. No. 4973. Sample No. 42424-E.)

This product was represented on the label to be of Fancy quality, but fell below that grade because of over maturity of the kernels and the presence of pieces of cob and husk. It also failed to meet certain other labeling requirements of the law.

On June 24, 1941, the United States attorney for the Western District of Pennsylvania filed a libel (which was amended on July 3, 1941) against 24 cases, each containing 24 No. 2 cans, of corn at Pittsburgh, Pa., alleging that the article had been shipped on or about April 5, 1941, by the Snider Packing Corporation from Albion, N. Y.; and charging that it was misbranded. It was labeled in part: "Melt-A-Way Country Gentleman Corn."

The article was alleged to be misbranded (1) in that the statement "Fancy Quality" was false and misleading since it was not of Fancy quality; (2) in that the vignette of an ear of white corn with even rows of kernels was false and misleading since Country Gentleman corn is not in even rows; and (3) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but its label failed to bear the name of the food specified in the definition and standard (white sweet corn, white corn, or white sugar corn) and the common name of the optional ingredient (cream style or crushed) as provided by the definition and standard.

On August 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2453. Misbranding of canned lima beans. U. S. v. 71 Cases of Canned Lima Beans. Default decree of condemnation and destruction.** (F. D. C. No. 5143. Sample No. 42435-E.)

This product was falsely represented to be of Fancy quality.

On July 14, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 71 cases, each containing 24 No. 2 cans, of lima beans at Pittsburgh, Pa., alleging that the article had been shipped on or about February 25, 1941, by Brakeley Canning Co. from Bordentown, N. J.; and charging that it



was misbranded. It was labeled in part: (Cans) "[Vignette of tiny green lima beans] Medium Size Little Darling \* \* \* Fancy Tender Green Lima Beans."

The article was alleged to be misbranded in that the vignette of tiny green lima beans and the statement "Fancy Tender Green Lima Beans" were false and misleading as applied to an article that was of light yellow color with a slightly green tint, that was about the size commercially known as "medium" and about twice the size of the beans in the vignette, and that was too old and mealy for Fancy quality or to be classed as tender.

On October 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2454. Adulteration and misbranding of pork and beans. U. S. v. 300 Cases of Canned Pork and Beans. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 5229. Sample No. 53521-E.)

This product was labeled to indicate that it contained a substantial amount of pork; whereas some of the cans contained no pork at all and some contained only a very small piece.

On July 25, 1941, the United States attorney for the Western District of Washington filed a libel against 300 cases of canned pork and beans at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about July 11, 1941, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated and misbranded. The label bore the statement "Val Vita Pork and Beans" and a vignette of a dish of beans with a substantial amount of pork.

The article was alleged to be adulterated in that a valuable constituent, pork, had been wholly or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement "Pork and Beans" and the vignette referred to above, were false and misleading as applied to canned beans containing no pork at all or a very small amount.

On August 22, 1941, Val Vita Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**Nos. 2455 to 2457** report actions based on interstate shipments of canned peas that fell below the standard of quality for canned peas because of excessive mealiness, as evidenced by the results of official tests.

**2455. Misbranding of canned peas. U. S. v. Hillsboro Queen-Anne Cooperative Corporation. Plea of guilty. Fine, \$25 and costs.** (F. D. C. No. 2970. Sample Nos. 20463-E, 20465-E.)

On September 16, 1941, the United States attorney for the District of Maryland filed an information against the Hillsboro Queen-Anne Cooperative Corporation, Hillsboro, Md., alleging delivery for introduction in interstate commerce on or about July 7, 1940, from the State of Maryland into the State of Georgia of a quantity of canned peas that were misbranded. They were labeled in part: "H Q A Early June Peas \* \* \* 6 Lbs. 9 Oz."

The article was alleged to be misbranded in that it purported to be canned peas of the Alaska or other smooth skin variety, a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below the standard so prescribed in that the alcohol-insoluble solids were more than 23.5 percent and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 3, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$25 and costs.

**2456. Misbranding of canned peas. U. S. v. 443 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 3603. Sample No. 27763-E.)

On January 6, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 443 cases of canned peas at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about November 12, 1940, by the McCoy Canned Foods Co. from Urbana, Ohio; and charging that it was misbranded. It was labeled in part: "Cuba [or "McCoy"] Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as pro-



vided by law, but it was substandard in quality in that the alcohol-insoluble solids were more than 23.5 percent, and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 1, 1941, the McCoy Canned Foods Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2457. Misbranding of canned peas. U. S. v. 124 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4554. Sample No. 59219-E.)**

On or about May 1, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 124 cases of canned peas at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about June 29, 1940, by Gibbs & Co., Inc., from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: "Gibbs Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On May 16, 1941, Gibbs & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2458. Misbranding of canned succotash. U. S. v. 75 Cases of Succotash. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 4479. Sample No. 69023-E.)**

This product was not of Fancy quality as represented because of the presence of old hard kernels of corn and nearly mature white beans.

On April 24, 1941, the United States attorney for the District of New Jersey filed a libel against 75 cases of succotash at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about December 28, 1940, by the Fairmont Canning Co. from Fairmont, Minn.; and charging that it was misbranded. The article was labeled in part: "Crest Brand Contents 1 Lb. 4 Oz. Fancy Crosby Succotash with Green Beans."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not of Fancy quality; and in that the statement "With Green Beans" was false and misleading as applied to an article which contained mixed green and white beans.

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after destruction of the labels.

**2459. Adulteration and misbranding of canned okra and tomatoes. U. S. v. 49 Cases of Canned Okra and Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 3914. Sample No. 35845-E.)**

This product was labeled to indicate that it was okra and tomatoes, whereas it consisted of cut okra and a small amount of added tomato puree or tomato juice.

On or about March 7, 1941, the United States attorney for the Northern District of Texas filed a libel against 49 cases of canned okra and tomatoes at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about September 16, 1940, by Pine Grove Canning Co. from St. Martinville, La.; and charging that it was adulterated and misbranded. It was labeled in part "[vignette of whole tomato and whole and cut okra] \* \* \* Pine Grove Brand Okra and Tomatoes."

The article was alleged to be adulterated in that cut okra and a small amount of added tomato puree or tomato juice had been substituted wholly or in part for okra and tomatoes. It was alleged to be misbranded in that the labeling was false and misleading.

On June 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



## TOMATOES AND TOMATO PRODUCTS

**2460. Adulteration of tomato sauce and canned tomatoes. U. S. v. 65 Cases of Tomato Sauce and 155 Cases and 940 Cases of Canned Tomatoes. Consent decree of condemnation and destruction.** (F. D. C. Nos. 1667, 1712, 1733. Sample Nos. 13584-E, 13586-E, 13587-E.)

These products not only contained excessive mold, but the tomato sauce also contained insect fragments.

On March 19, 26, and 29, 1940, the United States attorney for the Western District of Washington filed libels against 65 cases each containing 72 cans of tomato sauce, and 155 cases each containing 48 cans and 940 cases each containing 24 cans of tomatoes at Seattle, Wash., alleging that the articles had been shipped from Stockton, Calif., on or about December 13, 1939, by B. H. Body, Inc.; and charging that they were adulterated. They were labeled in part: "7¾ Ozs. Avd. Shurfine Fancy Grade Tomato Sauce [or "15 Ozs. (or "1 Lb. 12 Ozs.") Tastewell Tomatoes"] \* \* \* National Retailer-Owned Grocers, Inc., Distributors, Chicago, Ill."

The tomato sauce was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance; and the canned tomatoes in that they consisted in whole or in part of a decomposed substance.

On September 21, 1941, Stockton Food Products, Inc., Stockton, Calif., claimant, having consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and the products were ordered destroyed.

**2461. Adulteration and misbranding of canned tomatoes. U. S. v. 175 Cases and 147 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion and relabeling of remainder.** (F. D. C. No. 5423. Sample Nos. 37931-E, 37932-E.)

Examination showed that this product was in part decomposed. Also, the packing medium consisted of added strained tomatoes which were not declared on the label.

On August 21, 1941, the United States attorney for the Middle District of Georgia filed a libel against 322 cases, each containing 24 No. 2 cans, of tomatoes at Columbus, Ga., alleging that the article had been shipped by T. W. Holt from Jacksonville, Fla., on or about June 18, 1941; and charging that it was adulterated and misbranded. It was labeled in part: "Shaver's Brand \* \* \* Tomatoes \* \* \* Packed by H. A. Shaver, Inc., Lakeland, Fla."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but its label failed to bear the common name of the optional ingredient, i. e., "Added Strained Tomatoes."

On September 22, 1941, H. A. Shaver, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. All swelled cans were destroyed and the normal cans were relabeled to include the statement "With Added Strained Tomatoes."

**2462. Misbranding of canned tomatoes. U. S. v. 299 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 5406. Sample No. 37533-E.)

This product fell below the standard of quality for canned tomatoes, since it failed to pass the test for strength and redness of color, and it exceeded the maximum allowance for peel (1 square inch per pound of tomatoes).

On or about August 27, 1941, the United States attorney for the Eastern District of South Carolina filed a libel against 299 cases, each containing 24 No. 2 cans, of tomatoes at Sumter, S. C., alleging that the article had been shipped by the Rowland Canning Co. from Rowland, N. C., on or about August 5, 1941; and charging that it was misbranded. It was labeled in part: "Pride of Rowland Brand Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.



On October 11, 1941, the Rowland Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**2463. Misbranding of canned tomatoes. U. S. v. 746 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5328. Sample No. 49653-E.)**

This product was substandard because it failed to meet the official test for strength and redness of color, and it contained more than 1 square inch of peel per pound of tomatoes in the container.

On or about August 11, 1941, the United States attorney for the Western District of Louisiana filed a libel against 746 cases, each containing 24 No. 2 cans, of tomatoes at Lake Charles, La., alleging that the article had been shipped on or about June 19 and 24, 1941, by the Stedman Co. from Orange, Tex.; and charging that it was misbranded. It was labeled in part: "Bounty Brand Tomatoes \* \* \* Packed by Southwest Products Co. McAllen, Tex."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and the label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 20, 1941, the Southwest Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2464. Misbranding of canned tomatoes. U. S. v. 233 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5411. Sample No. 49662-E.)**

This product was labeled "Standard Quality Grade C" but actually was substandard since it failed to pass the official test for strength and redness of color, and it contained more than the permitted maximum amounts of peel and blemishes.

On August 22, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 233 cases, each containing 24 No. 2 cans, of tomatoes at New Orleans, La., alleging that the article had been shipped on or about June 24, 1941, by Apte Bros. (Apte Bros. Canning Co.) from Edinburg, Tex.; and charging that it was misbranded. It was labeled in part: "Iona Tomatoes Net Wt. 1 Lb. 3 Ozs. Standard Quality Grade C."

The article was alleged to be misbranded (1) in that the statement "Standard Quality Grade C" was false and misleading as applied to an article that was not "Standard Quality Grade C"; and (2) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 9, 1941, Apte Bros. Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

Nos. 2465 to 2475 (except 2468) report actions based on the seizure and disposition of tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

**2465. Adulteration and misbranding of tomato catsup. U. S. v. 68 Cases and 16 Cases of Tomato Catsup. Consent decree of condemnation and destruction. (F. D. C. No. 5757. Sample Nos. 65841-E, 65842-E.)**

On September 17, 1941, the United States attorney for the District of Colorado filed a libel against 84 cases, each containing 24 bottles, of tomato catsup at Denver, Colo., which had been consigned by Beaver Valley Canning Co., Grimes, Iowa, alleging that the article had been shipped on or about April 30 and June 13, 1941, from Grimes, Iowa; and charging that it was adulterated and misbranded. It was labeled in part: "Shurfine [or "Tastewell"] Brand Contents 14 Oz. Tomato Catsup National Retailer-Owned Grocers, Inc. Distributors Chicago, Illinois."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.



It was alleged to be misbranded in that the statement "All products bearing this label are guaranteed to comply with the pure food laws," appearing on the neck label of the bottles, was false and misleading.

On September 30, 1941, the claimant having signed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

**2466. Adulteration of tomato catsup. U. S. v. 505 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 4929. Sample No. 47446-E.)**

On June 17, 1941, the United States attorney for the Northern District of Illinois filed a libel against 505 cases, each containing 24 bottles, of tomato catsup at Chicago, Ill., alleging that the article had been shipped on or about May 22, 1941, by Fettig Canning Co., from Elwood, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Bottles) "Tolman's Tomato Catsup Net Wt. 14 Oz."

On October 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2467. Adulteration of tomato catsup. U. S. v. 151 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 5975. Sample No. 67852-E.)**

On October 4, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 151 cases, each containing 24 bottles of tomato catsup at St. Louis, Mo., alleging that the article had been shipped on or about September 4, 1941, by Stokely Bros. & Co., Inc., from Indianapolis, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Bottles) "Stokely's Finest Tomato Catsup Net Weight 14 Oz."

On October 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2468. Adulteration of tomato paste. U. S. v. 40 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 4720-B. Sample No. 22535-E.)**

Examination of this product showed that it contained worm and insect fragments.

On May 17, 1941, the United States attorney for the District of Connecticut filed a libel against 40 cases, each containing 100 6-ounce cans, of tomato paste at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 28, 1941, by the Hollister Canning Co. from Oakland, Calif.; and charging that it was adulterated. The article was labeled in part: "San Benito Brand Naples Style Tomato Paste."

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2469. Adulteration of tomato paste. U. S. v. 25 Cartons and 9 Cases of Tomato Paste. Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to a public institution. (F. D. C. Nos. 5428, 5857. Sample Nos. 59389-E, 59638-E.)**

On August 25 and September 26, 1941, the United States attorney for the Southern District of West Virginia filed libels against 25 cartons each containing 100 cans of tomato paste at Huntington, and 9 cases each containing 100 cans of the same product at Bluefield, W. Va., alleging that the article had been shipped on or about May 10 and 13, 1941, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Champion Brand Tomato Paste Net Weight 6 Ounces Avd."

On October 2 and 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On November 1, 1941, the decree of October 22, 1941, was amended to permit delivery of the lot seized at Bluefield to a public institution for use as stock feed.

**2470. Adulteration of tomato paste. U. S. v. 7 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 5427. Sample No. 59388-E.)**

On August 25, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 7 cases, each containing 100 cans, of tomato paste at Huntington, W. Va., alleging that the article had been shipped on or about



February 11, 1941, by Sandy Valley Grocery Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Champion Brand Tomato Paste Net Weight 6 Ounces Avd. \* \* \* Packed By The H. J. McGrath Co. Baltimore, Md."

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2471. Adulteration of tomato puree. U. S. v. 50 Cases and 44 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 5232. Sample Nos. 47482-E, 47483-E.)

On July 31, 1941, the United States attorney for the Northern District of Illinois filed a libel against 94 cases, each containing 24 cans, of tomato puree at Chicago, Ill., alleging that the article had been shipped on or about May 10 and 20, 1941, by Crampton Canneries, Inc., from Celina, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Ferndell [or "Richelleu Brand"] Puree of Tomatoes Net Weight 10½ Oz."

On October 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2472. Adulteration of tomato puree. U. S. v. 15 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. D. C. No. 5163. Sample No. 5373-E.)

On July 16, 1941, the United States attorney for the Eastern District of Kentucky filed a libel against 15 cases, each containing 72 cans, of tomato puree at Harlan, Ky., alleging that the article had been shipped in interstate commerce on or about August 6, 1940, and June 5, 1941, by the Morgan Packing Co. from Austin, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Columbus Tomato Puree \* \* \* Net Weight 6 Oz."

On August 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2473. Adulteration of tomato sauce. U. S. v. 48 Cases of Tomato Sauce. Default decree of condemnation and destruction.** (F. D. C. No. 3909. Sample No. 83019-E.)

On March 3, 1941, the United States attorney for the District of New Jersey filed a libel against 48 cases of tomato sauce at Hoboken, N. J., alleging that the article had been shipped on or about May 5, 1940, by Soc. Au. Rinaldi from Naples, Italy; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Bridge Brand Italian Tomato Sauce With Basil Leaf Packed in Italy."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2474. Adulteration and misbranding of chili sauce. U. S. v. 50 Cartons, 22 Cases, and 46 Cases of Chili Sauce. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4478, 4864, 5141. Sample Nos. 55497-E, 60748-E, 69534-E.)

One shipment of this product contained mold and the others contained worm and insect fragments. The labels of one shipment also failed to bear a statement of the ingredients.

On April 24, June 3, and July 15, 1941, the United States attorneys for the Western District of Washington and the Southern District of New York filed libels against 50 cartons each containing 24 bottles, and 22 cases each containing 24 bottles of chili sauce at Tacoma, Wash., and 46 cases each containing 6 cans of the same product at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about February 5 to on or about March 31, 1941, by Kern Food Products, Inc., from Los Angeles, Calif.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: (Bottles) "Kern's Pure Chili Sauce, Net Weight 12 Oz."; or (cans) "Kern's Fancy Chili Sauce \* \* \* Net Weight 7 Lbs."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance. A portion was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On June 30, August 19, and September 12, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.



**2475. Adulteration of hot sauce and tomato sauce. U. S. v. 109 Cases of Hot Sauce and 500 Cases of Tomato Sauce. Consent decree of condemnation and destruction.** (F. D. C. Nos. 1676, 1697. Sample Nos. 12421-E, 13588-E.)

Examination showed that both of these products contained excessive mold; and that the hot sauce also contained worm and insect fragments.

On March 21 and 22, 1940, the United States attorney for the Western District of Washington filed libels against 109 cases each containing 72 cans of hot sauce, and 500 cases of tomato sauce at Seattle, Wash., alleging that the articles had been shipped from San Francisco, Calif., on or about January 12 and March 14, 1940, by Schwabacher Bros. & Co.; and charging that they were adulterated. They were labeled in part: "Happy Home Brand Hot Sauce [or "Spanish Style Tomato Sauce"] Contents 7¾ Oz. Avoir."

The hot sauce was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance; and the tomato sauce in that it consisted in whole or in part of a decomposed substance.

On September 29, 1941, the Stockton Food Products Co., Stockton, Calif., claimant, having consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and the products were ordered destroyed.

**OTHER FRUIT PRODUCTS**

**2476. Adulteration of apple butter. U. S. v. Pacific Food Products Co. Plea of guilty. Fine, \$352 and costs.** (F. D. C. No. 2963. Sample Nos. 52203-E, 52207-E, 55546-E.)

This product contained worm and insect fragments.

On May 13, 1941, the United States attorney for the Western District of Washington filed an information against Pacific Food Products Co., a corporation, Seattle, Wash., alleging shipment on or about October 8, 1940, and January 13 and 21, 1941, from the State of Washington into the States of Idaho and Oregon, of quantities of apple butter which was adulterated. The article was labeled in part "Sunny Jim Pure Apple Butter."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On July 3, 1941, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$350 on count I and \$1 each on counts II and III and also assessed costs.

**2477. Adulteration of apple butter. U. S. v. 13 Cases and 2 Cans of Apple Butter. Default decree of condemnation and destruction.** (F. D. C. No. 3754. Sample No. 52203-E.)

Examination showed that this product contained insect fragments and rodent hairs.

On February 3, 1941, the United States attorney for the Western District of Washington filed a libel against 13 cases each containing 6 No. 10 cans, and 2 cans of apple butter at Seattle, Wash., alleging that the article had been shipped on or about January 22, 1941, by Fred Meyer from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. This case was based on a return shipment of goods which originally had been shipped by the Pacific Food Products Co. from Seattle, Wash. The article was labeled in part: (Cans) "Sunny Jim Pure Apple Butter. \* \* \* Mfg. by Pacific Food Products Co. Seattle, Wash."

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2478. Adulteration and misbranding of FruZert. U. S. v. 15 Cases, 9 Cases, and 9 Cases of FruZert. Default decree of condemnation and destruction.** (F. D. C. No. 4758. Sample Nos. 55469-E to 55471-E, incl.)

This article was represented to be essentially a fruit product, but it contained added water, sugar, and starch, which were not declared on the label.

On May 14, 1941, the United States attorney for the Western District of Washington filed a libel against 33 cases, each containing 72 cans, of FruZert at Seattle, Wash., alleging that the article had been shipped from Portland, Oreg., on or about April 16, 1941, by Merchants Wholesale Grocery Co.; and charging that it was adulterated and misbranded. It was labeled in part: "Pear [or "Peach" or "Fig"] FruZert \* \* \* Made from Ripe Pears [or "Peaches" or "Figs"] \* \* \* Contents 1 Cup or 8 Ozs."

The article was alleged to be adulterated (1) in that a mixture of fruit, water, sugar, and starch had been substituted wholly or in part for "FruZert A preparation \* \* \* made from ripe pears [or "peaches" or "figs"]"; (2)



in that inferiority had been concealed by the addition of water, sugar, and starch; and (3) in that water, sugar, and starch had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statements "Pear [or "Peach" or "Fig"] FruZert A preparation \* \* \* made from ripe pears [or "peaches" or "figs"]," were false and misleading since they implied that it was a 100 percent fruit product; and (2) in that it was fabricated from two or more ingredients and the labels did not bear the common or usual name of each ingredient.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2479. Adulteration of imitation fruit jelly. U. S. v. 2 Barrels and 24 Cans of Imitation Fruit Jelly. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4841, 4842. Sample Nos. 69995-E, 69998-E.)

Examination of this product showed that it contained rodent hairs, splinters, and miscellaneous filth fragments.

On May 28, 1941, the United States attorney for the District of New Jersey filed libels against 2 barrels containing a total of 1,091 pounds of imitation fruit jelly at North Bergen, N. J., and 24 cans of the same product at Paterson, N. J., alleging that the article had been shipped on or about May 2 and 19, 1941, by Vienna Extract Co., Inc., from Brooklyn, N. Y.; and charging that it was adulterated. It was labeled in part: (Barrels) "Imit. Fruit Jelly"; and (cans) "Net Wt. 30 Lbs. D. L. Brand Imitation Fruit Jelly."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 4, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### DRIED FRUITS

**2480. Adulteration of apple chops. U. S. v. 483 Bags of Apple Chops. Default decree of condemnation and destruction.** (F. D. C. No. 5632. Sample No. 67581-E.)

This product was contaminated with rodent hairs and insect fragments.

On September 4, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 483 bags of apple chops at St. Louis, Mo., alleging that the article had been shipped by Orbaker & Bush from Williamson, N. Y., on or about August 20, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The bags containing the article were unlabeled.

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2481. Adulteration of dried apricots. U. S. v. Joseph P. Perrucci and Frank L. Di Napoli (Mayfair Packing Co.). Pleas of guilty. Fines, \$40.** (F. D. C. No. 4193. Sample Nos. 46023-E, 46025-E.)

This product was dirty, moldy, and insect-infested.

On September 10, 1941, the United States attorney for the Northern District of California filed an information against Joseph P. Perrucci and Frank L. Di Napoli, copartners, trading as Mayfair Packing Co., San Jose, Calif., alleging delivery for shipment on or about August 5 and August 28, 1940, from the State of California into the State of New York of quantities of apricots which were adulterated in that they consisted wholly or in part of filthy and decomposed substances. The article was labeled in part: "25 Lbs. Net Weight California Apricots Distributors Jack Gomperts & Co. San Francisco, Cal." or "25 Lbs. Net Wt. Azalea Brand Dried Blenheim Apricots C. L. Dick & Co. San Jose, California, U. S. A."

On October 4, 1941, pleas of guilty having been entered, the court imposed a fine of \$20 against each defendant.

**2482. Adulteration of dates. U. S. v. 500 Cases of Dates. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 4104. Sample No. 56388-E.)

This action was based on a return shipment of dates that were found to be wormy.



On April 2, 1941, the United States attorney for the Southern District of New York filed a libel against 500 cases of dates at New York, N. Y., alleging that the article had been shipped from San Antonio, Tex., by Azar & Solomon on or about February 27, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Cases) "Tiger Pitted \* \* \* Dates \* \* \* 70 Lbs."

On July 14, 1941, Wm. A. Camp Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**2483. Adulteration of dried prunes. U. S. v. 65 Boxes of Dried Prunes. Default decree of condemnation and destruction.** (F. D. C. No. 5331. Sample No. 60180-E.)

On August 12, 1941, the United States attorney for the District of Oregon filed a libel against 65 boxes of dried prunes at Portland, Oreg., alleging that the article had been shipped on or about July 18, 1941, by Mason, Ehrman & Co. from Lewiston, Idaho; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. This case was based on a return shipment of goods which originally had been shipped by Puccinelli Packing Co., Turlock, Calif. The article was labeled in part: "25 Lbs. Net Tru-Sweet Santa Clara Prunes."

On October 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2484 to 2489, inclusive, report the seizure and disposition of raisins that were insect-infested.

**2484. Adulteration and misbranding of raisins. U. S. v. 28 Boxes of Raisins (and 6 other seizures of raisins). Default decrees of condemnation and destruction.** (F. D. C. Nos. 3592, 3692, 3693, 3734 to 3740, incl., 5268. Sample Nos. 50448-E, 50477-E to 50485-E, incl., 50710-E to 50713-E, incl., 60172-E.)

All lots of this product were insect-infested and portions were also decomposed. Furthermore, with the exception of those in one lot, the 15-ounce packages were charged to be short of the declared weight.

On or about December 27, 1940, and January 22 and 31, February 1, and July 31, 1941, the United States attorneys for the Eastern and the Western Districts of Virginia and the District of Oregon filed libels against the following quantities of raisins: 44 packages and 38 boxes each containing 20 packages at Charlottesville, 25 20-pound boxes and 18 boxes each containing 20 packages at Culpeper, 102 20-pound boxes and 62 boxes each containing 20 packages at Lynchburg, 30 20-pound boxes and 14 boxes each containing 20 packages at Orange, and 110 20-pound boxes and 37 boxes each containing 20 packages at Richmond, Va.; and 68 25-pound boxes at Astoria, Oreg., alleging that the article had been shipped by the El-Mar Packing Co. from Stockton, Calif., on or about March 19 and September 20, 24, and 25, 1940; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: (20-pound boxes) "El-Mar Brand Three Crown Malaga Layer Raisins," and "Cal-Ray Brand Three Crown Muscat Layer Raisins"; (25-pound boxes) "Cal-Ray Brand Choice Thompson Seedless Raisins"; and (packages) "Net Weight 15 Ozs. Cal-Ray Brand Layer Raisins."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance.

A portion of the article was alleged to be misbranded in that the statement "Net Weight 15 Ozs.," appearing on the package label, was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

Between February 19 and September 2, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2485. Adulteration of raisins. U. S. v. 31 Cartons of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 3517.- Sample No. 34971-E.)

Examination of this product disclosed that it was decomposed as well as insect-infested.

On December 16, 1940, the United States attorney for the Eastern District of New York filed a libel against 31 cartons of raisins at Brooklyn, N. Y.,



alleging that the article had been shipped on or about April 29, 1940, by El Encanto Vineyards from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Net Wt. 25 Lbs. Encanto Brand Dried Black Zinfandel Grapes."

On April 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2486. Adulteration of raisins. U. S. v. 989 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 4070. Sample No. 56446-E.)**

On March 26, 1941, the United States attorney for the Eastern District of New York filed a libel against 989 25-pound cases of raisins at Brooklyn, N. Y., alleging that the article had been shipped on or about January 22, 1941, from San Francisco, Calif., by Jack Gomperts & Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Matador Brand \* \* \* Seedless Thompson Raisins."

On June 6, 1941, Catz American Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and disposed of for some purpose other than human consumption such as animal or fish food.

**2487. Adulteration of raisins. U. S. v. 101 Cartons and 73 Cartons of Raisins. Default decrees of condemnation and destruction. (F. D. C. Nos. 3249, 5822. Sample Nos. 34493-E, 64170-E.)**

On October 22, 1940, and September 22, 1941, the United States attorneys for the District of New Jersey and the Northern District of Ohio filed libels against 101 cartons of raisins at New Brunswick, N. J., and 73 cartons of raisins at Youngstown, Ohio, alleging that the article had been shipped on or about January 15, 1940, and February 27 and May 29, 1941, by Pacific Raisin Co., Inc., from Fowler, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "25 Lbs. Net Selmor Brand Choice Thompson Seedless Raisins," or "25 Lbs. Net Wt. Monogram Brand \* \* \* Muscat Raisins."

On April 18 and October 28, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2488. Adulteration of raisins. U. S. v. 400 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 4979. Sample No. 56455-E.)**

Examination of this product disclosed the presence of rodent hairs as well as of insect infestation.

On June 26, 1941, the United States attorney for the Southern District of New York filed a libel against 400 cartons of raisins at New York, N. Y., alleging that the article had been shipped on or about March 3, 1941, by Peloian Packing Co., Reedley, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "25 Lbs. Net Wt. Victoria Brand Bleached Seedless Thompson Raisins."

On August 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2489. Adulteration of raisins. U. S. v. 1,358 Cases of Raisins. Consent decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 4086. Sample No. 56451-E.)**

On March 27, 1941, the United States attorney for the Eastern District of New York filed a libel against 1,358 25-pound cases of raisins at Brooklyn, N. Y., alleging that the article had been shipped on or about February 13, 1941, from Stockton, Calif., by Vagin Packing Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Matador Brand \* \* \* Seedless Thompson Raisins."

On June 6, 1941, Catz American Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and disposed of for some purpose other than human consumption such as animal or fish food.



## POULTRY

**Nos. 2490 to 2495** report the institution of criminal proceedings and the judgments entered, in actions based on interstate shipment of poultry that was in whole or in part the product of diseased birds.

**2490. Adulteration of poultry. U. S. v. Litchfield Produce Co. Plea of guilty. Fine, \$200.** (F. D. C. No. 4197. Sample Nos. 56189-E to 56195-E, incl.)

Examination showed the presence of diseased poultry in this shipment.

On November 10, 1941, the United States attorney for the District of Minnesota filed an information against the Litchfield Produce Co., a corporation, Litchfield, Minn., alleging shipment on or about December 24, 1940, from the State of Minnesota into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry. It was labeled in part: "Choice Brand Poultry Roasting [or "Frying"] Chickens."

On November 10, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**2491. Adulteration of poultry. U. S. v. Nevada Poultry Co., Inc. Plea of guilty. Fine, \$50.** (F. D. C. No. 4156. Sample Nos. 56217-E, 56218-E, 56219-E.)

On November 28, 1941, the United States attorney for the Southern District of Iowa filed an information against the Nevada Poultry Co., Inc., Nevada, Iowa, alleging shipment on or about November 29 and December 27, 1940, from the State of Iowa into the State of New York, of quantities of poultry which was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry. The article was labeled in part: "Choice Brand Poultry \* \* \* Wilson & Company, Distributors."

On December 6, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

**2492. Adulteration of poultry. U. S. v. Anton N. Nielson (Rugby Creamery). Plea of guilty. Fine, \$55.** (F. D. C. No. 4195. Sample Nos. 34975-E, 46075-E, 46076-E, 46077-E, 46079-E, 46081-E, 46083-E, 46327-E, 46330-E, 46332-E, 46333-E, 46796-E, 46798-E, 46883-E, 46885-E, 46891-E, 46894-E, 46896-E, 46900-E.)

On October 8, 1941, the United States attorney for the District of North Dakota filed an information against Anton N. Nielson, trading as Rugby Creamery, Rugby, N. Dak., alleging shipment within the period from on or about October 16 to on or about November 30, 1940, from the State of North Dakota into the State of New York of quantities of poultry which was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry. Portions of the article were labeled in part: "Pleasant Dale Milk Fed Poultry."

On October 30, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$55.

**2493. Adulteration of turkeys. U. S. v. Herman L. Hollar (Valley Produce Co.). Plea of guilty. Fine, \$50 and costs.** (F. D. C. No. 2944. Sample No. 34474-E.)

Examination of this product showed the presence of emaciated and diseased turkeys.

On April 17, 1941, the United States attorney for the Western District of Virginia filed an information against Herman L. Hollar, trading as the Valley Produce Co., Timberville, Va., alleging shipment on or about November 6, 1940, from the State of Virginia into the State of New York of a quantity of poultry which was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased turkeys.

On October 27, 1941, a plea of guilty was entered by the defendant and the court imposed a fine of \$50 and costs.

**2494. Adulteration of poultry. U. S. v. Sherman White & Co. Plea of guilty. Fine, \$100 and costs.** (F. D. C. No. 4189. Sample No. 31245-E.)

On August 26, 1941, the United States attorney for the Northern District of Indiana filed an information against Sherman White & Co., a corporation, Fort Wayne, Ind., alleging shipment on or about July 23, 1940, from the State of Indiana into the State of Illinois of a quantity of poultry which was adulterated in



that it was in whole or in part the product of diseased animals, namely, diseased poultry.

On December 1, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

**2495. Adulteration of poultry. U. S. v. 22 and 15 Boxes of Poultry. Default decree of condemnation and destruction.** (F. D. C. No. 5770. Sample Nos. 69514-E, 69515-E.)

Examination showed the presence of diseased and decomposed poultry in one lot of this product and of decomposed poultry in the other.

On September 22, 1941, the United States attorney for the Southern District of New York filed a libel against 37 boxes containing a total of 616 pounds of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 16, 1941, by the Decorah Produce Co. from Decorah, Iowa; and charging that it was adulterated. It was labeled in part: "Wapsie Valley Fancy [or "Elmore Milk Fed"] Broilers."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. One lot was alleged to be adulterated further in that it was in whole or in part the product of diseased animals.

On October 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### NUTS AND NUT PRODUCTS

Nos. 2496 to 2499 report actions based on interstate shipment of pecans that were contaminated with *Escherichia coli*.

**2496. Adulteration of pecans. U. S. v. Peter Aquilina. (Pendola Nut Co.). Plea of guilty. Fine, \$150 and costs.** (F. D. C. No. 4152. Sample No. 29532-E.)

On July 11, 1941, the United States attorney for the Northern District of Illinois filed an information against Peter Aquilina, trading as Pendola Nut Co. at Chicago, Ill., alleging shipment on or about January 30, 1941, from the State of Illinois into the State of Indiana of a quantity of pecans which were adulterated. The article was labeled in part: "Morrow's Nut House Indianapolis, Ind. Pecan 1/2."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On October 15, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$150 and costs.

**2497. Adulteration of pecans. U. S. v. 9 Cartons and 8 Cartons of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law.** (F. D. C. No. 3940. Sample Nos. 29447-E, 29449-E.)

On March 10, 1941, the United States attorney for the Northern District of Ohio filed a libel (amended on or about May 17, 1941) against 17 cartons of shelled pecans at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about December 31, 1940, and on or about February 3, 1941, by Acker Pecan Products Co. from Albany, Ga.; and charging that it was adulterated in that it consisted in part of a filthy substance.

On or about November 4, 1941, Acker Pecan Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2498. Adulteration of pecan meats. U. S. v. 21 Cases of Pecan Meats. Default decree of condemnation and destruction.** (F. D. C. No. 4961. Sample No. 57263-E.)

On June 23, 1941, the United States attorney for the Eastern District of Illinois filed a libel against 21 cases of pecan meats at Champaign, Ill., alleging that the article had been shipped in interstate commerce on or about April 19 and 29, 1941, by the Gulf Pecan Co. from Mobile, Ala.; and charging that it was adulterated in that it was contaminated with filth. The article was labeled in part: "500-600 Halves 60 Lbs. Net Pecan Meats."

On July 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2499. Adulteration of pecans. U. S. v. 26 Cases of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 4033. Sample No. 56346-E.)

On March 22, 1941, the United States attorney for the Southern District of New York filed a libel against 26 cases of shelled pecans at New York, N. Y., alleging that the article had been shipped on or about January 3, 1941, by the Southern Pecan Shelling Co. from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "60 Lbs. Fancy Pecan Pieces, Southern Belle Pecans."

On June 10, 1941, Southern Pecan Shelling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**2500. Adulteration of shelled walnuts. U. S. v. 10 Cartons of Shelled Walnuts. Default decree of condemnation and destruction.** (F. D. C. No. 5075. Sample No. 69654-E.)

Examination of this product showed the presence of wormy and moldy walnuts.

On July 3, 1941, the United States attorney for the District of New Jersey filed a libel against 10 cartons of shelled walnuts at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 17 and April 7, 1941, by L. R. Stone Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2501. Adulteration of black walnuts. U. S. v. 53 Bags of Black Walnuts. Default decree of condemnation and destruction.** (F. D. C. No. 5100. Sample No. 56922-E.)

Examination of this product showed the presence of decomposed, rancid, and moldy walnuts.

On July 8, 1941, the United States attorney for the Southern District of New York filed a libel against 53 bags of black walnuts at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 23, 1937, by L. Demartini Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bags) "California Black Walnuts \* \* \* 125 lbs. net."

On August 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2502. Adulteration of peanut butter. U. S. v. 303 Cartons of Peanut Butter. Consent decree of condemnation and destruction.** (F. D. C. No. 1854. Sample No. 13591-E.)

Examination showed that this product contained sand and dirt.

On April 24, 1940, the United States attorney for the Western District of Washington filed a libel against 303 cartons of peanut butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 30, 1939, by Pacific Food Products Co. from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Playmate Peanut Butter, Mfg. by United States Peanut Co., Jacksonville, Florida."

On October 27, 1941, Pacific Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

## VEGETABLE SHORTENING AND VEGETABLE OILS

**2503. Adulteration of vegetable shortening. U. S. v. 29 Cases and 20 Cases of Vegetable Shortening. Default decree of condemnation and destruction.** (F. D. C. No. 4959. Sample No. 46956-E.)

Examination of this product showed the presence of feather barbs, rodent hairs, and pieces of excelsior.

On June 21, 1941, the United States attorney for the Southern District of New York filed a libel against 49 cases of vegetable shortening at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 25, April 4, and May 20, 1941, by the Hanover Food Products Co. from Baltimore, Md.; and charging that it was adulterated in that it con-



sisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cases) "Purflake Pure Vegetable Puff Pastry Shortening \* \* \* 30 [or '60'] Net Weight."

On August 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2504. Adulteration and misbranding of olive oil. U. S. v. 18 Cans, 2 Cans, and 6 Cans of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 4882. Sample Nos. 50840-E, 50841-E, 50842-E.)**

This product was represented to be olive oil, whereas it consisted essentially of cottonseed oil.

On or about June 6, 1941, the United States attorney for the District of Maryland filed a libel against 26 cans of olive oil at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 19, 1941, by Spiros Annos from Philadelphia, Pa.; and charging that it was adulterated and misbranded. It was labeled in part: "Olio di Oliva Vergine Lucca Brand"; or "Italia Brand Olio d'Oliva Supremo Importato."

The article was alleged to be adulterated in that cottonseed oil had been substituted wholly or in part for olive oil, which it purported to be. It was alleged to be misbranded in that the following statements in the labeling were false and misleading as applied to cottonseed oil: (18 cans) "Olio di Oliva Vergine Lucca \* \* \* Prodotto Italiano Olio d'Oliva," "This olive oil is guaranteed pure Olio d'Oliva," "Questo Olio e garantito di puro oliva Olio d'Oliva," "Imported Pure Olive Oil"; and (8 cans) "Italia Brand Supreme Olive Oil Imported Lucca-Italia," "Italia Brand Olio d'Oliva Supremo Importato Lucca-Italia," "The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses," "La purezza di quest olio e garentita all analisi chimica noilo raccomandiamo per uso tavola che per uso medicinale," and "Imported Pure Olive Oil." It was alleged to be misbranded further in that it was offered for sale under the name of another food; and in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On July 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2505. Adulteration and misbranding of olive oil. U. S. v. 5 Cans and 27 Cans of Olive Oil. Default decrees of condemnation and destruction. (F. D. C. No. 3876. Sample Nos. 56022-E, 56023-E.)**

This product was found to consist (5 cans) of artificially colored cottonseed oil or (27 cans) essentially of soybean or corn oil colored with a coal-tar dye not certified for food use; and (all cans) containing little or no olive oil, although represented in its labeling to be pure olive oil.

On or about February 26, 1941, the United States attorney for the District of Connecticut filed a libel against 32 cans of olive oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about September 2, 1939, by J. Caruso from Elizabeth, N. J.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Olio Di Oliva-Vergine Lucca Brand"; or "Superfine Olive Oil A. Sasso Brand."

The article was alleged to be adulterated in that (5 cans) an artificially colored cottonseed oil, containing little or no olive oil, had been substituted wholly or in part for olive oil; (27 cans) in that an artificially colored oil consisting essentially of soya bean or corn oil with a small amount of cottonseed oil, containing little or no olive oil, had been substituted wholly or in part for olive oil; (all cans) in that inferiority had been concealed by the addition of artificial color; in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (27 cans) in that it contained a coal-tar color other than one from a batch that had been certified as provided by law.

It was alleged to be misbranded in that the following statements borne on the labels were false and misleading: (5 cans) "Olio di Oliva-Vergine Lucca \* \* \* Prodotto Italiano Olio d'Oliva [design of olive branch with olives] This olive oil is guaranteed pure," "Questo Olio e garantito di puro oliva," and "Imported Pure Olive Oil"; (27 cans) "Superfine Olive Oil \* \* \* Imported Product," "Olio d'Oliva Sopraffino \* \* \* Prodotto Importato [design of an olive branch with olives]," "Pure Olive Oil Imported," "Olio Puro d'Oliva Raccomandato per uso medicinale," and "Puro Olio di Oliva." It was alleged to be misbranded further in that it was an imitation of another food, olive oil,



and its label did not bear in type of uniform size and prominence the word "Imitation" and immediately thereafter the name of the food imitated; in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it contained artificial coloring and did not bear labeling stating that fact.

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2506. Misbranding of vegetable oil. U. S. v. 7 Cans of Vegetable Oil. Default decree of condemnation. Product ordered delivered to a charitable organization.** (F. D. C. No. 5098. Sample No. 56280-E.)

Analysis showed that this product, which failed to bear a label, was a mixture of corn oil and peanut oil containing artificial color.

On July 7, 1941, the United States attorney for the District of New Jersey filed a libel against 7 cans of vegetable oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 23, 1941, by Filippo Catanzaro from Brooklyn, N. Y.; and charging that it was misbranded. The article was unlabeled except for the statement "5 U. S. gallons" embossed on the cans.

It was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer or distributor and did not bear a label containing an accurate statement of the quantity of the contents; in that it did not bear a label containing the common or usual name of the food; in that it was fabricated from two or more ingredients and did not bear a label containing the common or usual name of each such ingredient; and in that it contained artificial coloring and did not bear labeling stating that fact.

On October 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

**2507. Adulteration and misbranding of oil. U. S. v. 8 Cases and 6 Cans of Cottonseed Corn & Olive Oil and 3 Cases and 4 Cans of Cottonseed and Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 3905. Sample Nos. 56025-E, 56026-E.)

Both lots of this oil consisted essentially of artificially flavored and artificially colored cottonseed oil containing little or no olive oil.

On March 4, 1941, the United States attorney for the District of Connecticut filed a libel against a total of 76 gallon cans of the above-described products at Waterbury, Conn., alleging that the articles had been shipped in interstate commerce on or about September 25, 1940, by Ciroco Oil Co. from Brooklyn, N. Y.; and charging that they were adulterated and misbranded. They were labeled in part: "Cottonseed Corn & Olive Oil Superfine Brand" and "Ciroco Brand 80% Cottonseed and 20% Olive Oil."

The products were alleged to be adulterated in that artificially flavored and artificially colored cottonseed oil, containing little or no olive oil, had been substituted wholly or in part for "Cottonseed Corn & Olive Oil" and "80% Cottonseed & 20% Olive Oil," which they purported to be; in that inferiority had been concealed by the addition of artificial flavor and artificial color; and in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make them appear better or of greater value than they were.

They were alleged to be misbranded in that the statements "Cottonseed Corn & Olive Oil" and "80% Cottonseed & 20% Olive Oil" were false and misleading; in that they were imitations of another food and their labels failed to bear, in type of uniform size and prominence, the word "Imitation" and immediately thereafter, the name of the food imitated; in that the labels contained representations in a foreign language (Italian) and the information required by the act to appear on the labels did not appear thereon in the foreign language; and in that they contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On May 26, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

**2508. Misbranding of oil. U. S. v. 11 Cans, 5 Cans, and 6 Cans of Oil. Default decree of condemnation. Product ordered delivered to a charitable organization.** (F. D. C. No. 5201. Sample Nos. 69647-E, 69648-E.)

This product failed to comply with certain of the mandatory labeling requirements of the law and also contained undisclosed artificial coloring.

On July 24, 1941, the United States attorney for the District of New Jersey filed a libel against 17 gallon cans and 5 5-gallon cans of oil at Newark, N. J.,



alleging that the article had been shipped in interstate commerce on or about May 24, 1941, by J. Cusumano from Brooklyn, N. Y.; and charging that it was misbranded. A portion of the article was labeled in part: "Special Salad Oil."

All of the article was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and in that it contained artificial coloring and did not bear labeling stating that fact. Portions of the article were alleged to be misbranded further in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and in that the label failed to bear the common or usual name of the food.

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

**2509. Adulteration and misbranding of olive oil. U. S. v. 5 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 4800. Sample No. 56658-E.)**

This product was represented to be olive oil but consisted essentially of an artificially flavored and colored mixture of cottonseed oil and an oil similar to corn oil. It contained a coal-tar color other than one from a batch that had been certified for food use.

On or about May 21, 1941, the United States attorney for the District of Connecticut filed a libel against 5 cases, each containing 6 gallon cans of olive oil at Torrington, Conn., alleging that the article had been shipped in interstate commerce on or about March 19, 1941, by A. Fiorello from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Virgin Olive Oil Superfine Brand Lucca Italy."

The article was alleged to be adulterated in that an artificially flavored and colored mixture of cottonseed oil and an oil similar to corn oil, containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified as provided by law.

It was alleged to be misbranded (1) in that the following statements and designs were false and misleading: "Italian Product Imported Virgin Olive Oil Lucca Italy \* \* \* This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes [similar statements in Italian and the design of an olive branch and olives] \* \* \*; Imported Pure Olive Oil"; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and (5) in that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2510. Adulteration and misbranding of oil. U. S. v. 49 Cans of Blended Corn and Olive Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 4789. Sample No. 33978-E.)**

This product consisted essentially of cottonseed oil artificially colored to simulate olive oil.

On May 19, 1941, the United States attorney for the District of New Jersey filed a libel against 49 cans of oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 24, 1941, by Italo from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Velardi Brand Special Blended Corn & Olive Oil Contents One Gallon."

The article was alleged to be adulterated (1) in that artificially colored cottonseed oil had been substituted wholly or in part for special blended corn and olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.



It was alleged to be misbranded (1) in that the statement "Special Blended Corn & Olive Oil" was false and misleading as applied to artificially colored cottonseed oil; (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and (4) in that it contained artificial coloring and did not bear labeling stating that fact.

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2511. Adulteration and misbranding of vegetable oil. U. S. v. 35 1-Gallon Cans of Oil. Default decree of condemnation and destruction. (F. D. C. No. 5105. Sample No. 33980-E.)**

This product was represented to consist of a mixture of corn, cottonseed, and olive oils but consisted essentially of cottonseed oil and peanut oil artificially flavored and artificially colored with an uncertified coal-tar dye.

On July 7, 1941, the United States attorney for the District of New Jersey filed a libel against 35 1-gallon cans of oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 29, 1941, by Italo Olive Oil Importer from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panels) "Ferruggia Brand Corn & Cottonseed Oil and Pure Olive Oil."

The article was alleged to be adulterated in that an artificially colored and flavored mixture consisting essentially of cottonseed oil and peanut oil had been substituted wholly or in part for "Corn & Cottonseed Oil and Pure Olive Oil," which it purported to be; in that artificial color and artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations provided by law.

It was alleged to be misbranded (1) in that the statement "Corn & Cottonseed Oil and Pure Olive Oil" was false and misleading; (2) in that it was an imitation of another food, olive oil, and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the label contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by or under the law to appear on the label; (4) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient, since the presence of peanut oil was not declared; and (5) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2512. Adulteration and misbranding of oil. U. S. v. 14 Cans of Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3723. Sample No. 34719-E.)**

Analysis showed that this product was artificially flavored cottonseed oil, containing little or no olive oil.

On or about January 29, 1941, the United States attorney for the District of Connecticut filed a libel against 14 cans of olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by E. J. McMahon from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The product was labeled in part: "Extra Fine Cielo Celeste Brand."

The article was alleged to be adulterated in that artificially flavored cottonseed oil, containing little or no olive oil, had been substituted wholly or in part for "High Grade Cottonseed Oil & Pure Imported Olive Oil," which it purported to be; in that inferiority had been concealed by the addition of artificial flavor; and in that artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Composed of High Grade Cottonseed Oil & Pure Imported Olive Oil" was false and misleading as applied to artificially flavored cottonseed oil, containing little or no olive oil; (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately



thereafter, the name of the food imitated; (3) in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and (4) in that it contained artificial flavoring and did not bear labeling stating that fact.

On April 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

**2513. Adulteration and misbranding of vegetable oil. U. S. v. 48 Cans of Table Oil. Default decree of condemnation and destruction. (F. D. C. No. 3944. Sample Nos. 46301-E, 46302-E, 46305-E, 46308-E, 46309-E.)**

This product was an artificially flavored and artificially colored cottonseed oil simulating olive oil in appearance and flavor and containing a coal-tar dye not certified for food use. The mandatory labeling required by the law was inconspicuous and, in some instances, illegible.

On March 11, 1941, the United States attorney for the District of New Jersey filed a libel against 48 cans of vegetable oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 8, 1940, by Naples Oil Packing Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled variously in part: "Superfine Brand," "Royal Brand," "Roberta Brand," "Gioiosa Brand," or "Lucci Brand." All the cans bore a stamped statement reading "Corn Oil Color and Flavor Added" that was inconspicuous and, in some instances, illegible.

The article was alleged to be adulterated in that cottonseed oil, artificially flavored and colored, in imitation of olive oil, had been substituted wholly or in part for corn oil, which it purported to be; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statement "Corn Oil Color and Flavor Added" was false and misleading as applied to artificially flavored and colored cottonseed oil; (2) in that it was an imitation of another food, olive oil, and its labels failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the name and place of business of the packer, the common or usual name of the food, and the declaration of artificial flavoring and coloring, required by the act to appear on the label, were not prominently placed thereon with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; (4) in that the labels contained representations in a foreign language (Italian) and the information required by the act did not appear on the label in the foreign language; and (5) in that the article labeled "Lucci Brand" was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2514. Adulteration and misbranding of olive oil. U. S. v. 32 Cans, 4 Cans, 37 Cans, 147 Cans, and 12 Cans of Olive Oil. Default decree of condemnation. Portion of product ordered delivered to charitable institution; remainder ordered destroyed. (F. D. C. No. 3633. Sample Nos. 46166-E to 46170-E, incl.)**

This product was found to consist essentially of artificially colored and (excepting one lot) artificially flavored cottonseed oil containing little or no olive oil.

On January 8, 1941, the United States attorney for the District of New Jersey filed a libel against 232 gallon cans of olive oil at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about October 14 and November 11, 1940, by V. Ritacco from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part variously: "Rodolfo Brand Olive Oil," "Superfine Olive Oil A. Sasso Brand," "Nerone Brand Olive Oil," "Olio Di Olive-Vergine," and "Olive Oil Superfine Brand."

The article was alleged to be adulterated (1) in that artificially colored and (with the exception of 147 cans) artificially flavored cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color and with the exception of 147 cans artificial flavor; and (3) in that artificial color and (with the exception previously noted) artificial flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.



It was alleged to be misbranded (1) in that the following statements and designs were false and misleading: (32-can lot) "Olive Oil Italian Produce [design of olives and olive branches] \* \* \* This extra fine pure olive oil is guaranteed under chemical analysis. It is highly recommended for table and medicinal uses. Extra Superfine \* \* \* Superfine Olive Oil Imported Product [and similar statements in Italian]"; (4-can lot) "Superfine Olive Oil \* \* \* Imported product [design of an olive branch with olives] \* \* \* Pure Olive Oil Imported [and similar statements in Italian]"; (37-can lot) "Pure Imported Olive Oil [design of an olive branch and olives] \* \* \* This olive oil is guaranteed to be absolutely pure under chemical analysis. It is pressed from selected ripe olive \* \* \* Highly recommended for medicinal purpose and table use \* \* \* Olive Oil [and similar statements in Italian]"; (147-can lot) "[design of olive branch with olives] This olive oil is guaranteed pure Imported Pure Olive Oil [and similar statement in Italian]"; (12-can lot) "Italian Product Imported Virgin Olive Oil Superfine \* \* \* Lucca Italy [design of an olive branch with olives] This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes Imported Pure Olive Oil [and similar statements in Italian]"; (2) in that the article was an imitation of another food and the labels did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that (37 cans excepted) it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and (4) in that it contained artificial coloring and (with the exception of 147 cans) artificial flavoring and did not bear labeling stating those facts.

On November 25, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered. One hundred and forty-six gallon cans of the product were ordered delivered to a charitable institution and the remainder was ordered destroyed.

**2515. Adulteration and misbranding of oil. U. S. v. 46 Cans and 10 Jugs of Oil. Default decree of condemnation and destruction. (F. D. C. No. 3842. Sample Nos. 33950-E, 33951-E, 33952-E.)**

Analysis showed that this product consisted essentially of cottonseed oil artificially colored with an uncertified coal-tar color and artificially flavored to simulate olive oil.

On February 19, 1941, the United States attorney for the District of New Jersey filed a libel against 46 cans and 10 jugs of oil at Bayonne, N. J., alleging that the article had been shipped in interstate commerce on or about January 31, 1941, by Roma Oil Packing Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The product in the cans was labeled in part: "One Gallon Net Extra Fine Oil Superfine Brand"; or "One Gallon Royal Brand Extra Quality Fine Oil." The 10 jugs were unlabeled.

The article was all alleged to be adulterated in that inferiority had been concealed by the addition of artificial flavor and artificial color; in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and in that it contained a coal-tar color other than one from a batch that had been certified in accordance with the law.

The product contained in the cans was alleged to be misbranded (1) in that the word "Oil," which to Italian-speaking people means olive oil, in combination with the statements in Italian, (Superfine brand) "Prodotto Garantito," "Sopraffino"; and (Royal brand) "Marca Reale \* \* \* Finissima Qualita \* \* \* Olio Fino," and the designs of a royal crown, shields showing castles, etc., and a stalk of what appeared to be olive leaves, borne on the label, were false and misleading since they conveyed the impression that the article was imported Italian olive oil; (2) in that it was an imitation of another food, olive oil, and the labels did not bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food imitated; (3) in that the labels did not contain the name and place of business of the manufacturer, packer, or distributor; (4) in that the labels did not bear the common or usual name of the food; (5) in that the labels did not bear the common or usual name of each ingredient of which the article was fabricated; and (6) in that the article contained artificial flavoring and artificial coloring and the labels did not state that fact. The product in the jugs was alleged to be misbranded (1) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or dis-



tributor and an accurate statement of the quantity of the contents; (2) in that it did not bear a label showing the common or usual name of the food; (3) in that it did not bear a label showing the common or usual names of the ingredients from which it was fabricated; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On April 18, 1941 (amending decree of March 29, 1941), no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2516. Adulteration and misbranding of olive oil. U. S. v. 17 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5104. Sample No. 42574-E.)**

This product purported to be olive oil but consisted essentially of cottonseed oil with little or no olive oil. The bottles were deceptive because of their height and irregular shape and a portion were labeled "16 Fl. Ozs." while all were of 1½-fluid-ounce size.

On July 8, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 17 cases, each containing 24 bottles, of olive oil at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about January 14, 1941, by Sage Chemical Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "York Star Brand Pure Imported Olive Oil. \* \* \* 1½ Fl. Ozs." [or "16 Fl. Ozs."].

It was alleged to be adulterated in that cottonseed oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the statements "Pure Imported Olive Oil For Medicinal and Table Use" on a portion of the bottles, and "Pure Imported Olive Oil" on the remainder of the bottles, were false and misleading as applied to cottonseed oil containing little or no olive oil; in that it was offered for sale under the name of another food; and in that its container was so formed as to be misleading since, because of its height and irregular shape, the purchaser had no conception of the quantity of oil in the bottle. A portion was alleged to be misbranded further in that the statement "Net Cont. 16 Fl. Ozs." was false and misleading since the bottles contained only 1½ fluid ounces; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On August 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2517. Misbranding of vegetable oil. U. S. v. 31 Cans of Soya Bean Oil Flavored with Imported Pure Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5307. Sample No. 69247-E.)**

This product contained little or no olive oil and had no olive oil odor or taste, and contained some cottonseed oil.

On August 6, 1941, the United States attorney for the Southern District of New York filed a libel against 31 cans of the above-named product at Marlborough, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7, 1941, by Gus Sciafani from Stamford, Conn.; and charging that it was misbranded. The article was labeled in part: "One Gallon Genuine Product Patria Brand Exquisite Oil."

The article was alleged to be misbranded (1) in that the statement on the label, "Soya Bean Oil Flavored with Imported Pure Olive Oil," was false and misleading as applied to an article consisting essentially of an oil of the nature of soya bean oil with some cottonseed oil but containing little or no olive oil; (2) in that the statement on the label, "Prodotto Genuino \* \* \* Patria L'Olio Esquisito per la Famiglia Italiana," was false and misleading since it created the impression that the article consisted of true olive oil; (3) in that the label contained representations in a foreign language (Italian) and the statement of the quantity of contents and the common or usual name of each ingredient which are required by law to appear in the labeling did not appear thereon in the foreign language; and (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2518. Adulteration and misbranding of olive oil. U. S. v. 6 Drums of Olive Oil. Decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 4971. Sample No. 53607-E.)

This product was adulterated with cottonseed oil and/or other vegetable oil. On June 24, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 6 drums of olive oil at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, by Uddo-Taormina Corporation from Buena Park, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part "200/N O/U. T. C."

It was alleged to be adulterated in that a substance, olive oil adulterated with cottonseed oil and/or other vegetable oil, had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that it was offered for sale under the name of another food; in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On September 25, 1941, Uddo-Taormina Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

**2519. Adulteration and misbranding of oil. U. S. v. 64 Cans of Peanut and Olive Oil. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 4790. Sample No. 69205-E.)

This product was essentially a mixture of peanut and cottonseed oil artificially flavored and colored to simulate olive oil.

On May 19, 1941, the United States attorney for the District of New Jersey filed a libel against 64 cans of oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 19, 1941, by the Naples Oil Packing Co., from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Pico Brand Finest Quality Oil Peanut & Olive Oil."

The article was alleged to be adulterated (1) in that an artificially flavored and colored mixture of peanut and cottonseed oil had been substituted wholly or in part for peanut and olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and color; and (3) in that artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Peanut & Olive Oil" was false and misleading as applied to an artificially flavored and colored mixture of peanut and cottonseed oil; (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (3) in that the label contained representations in a foreign language (Italian) and the information required by the act to appear on the label did not appear thereon in the foreign language; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

## SACCHARINE PRODUCTS

### CANDY

Nos. 2520 to 2537 report the seizure and disposition of candy that had been prepared under insanitary conditions, and was contaminated with filth such as insect fragments and/or rodent hairs and excreta.

**2520. Adulteration of candy. U. S. v. 90 Boxes of Candy (and 5 other seizures of candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5007, 5037 to 5040, incl., 5103. Sample Nos. 47455-E, 51601-E, 51602-E, 57431-E, 62616-E to 62618-E, incl., 62621-E.)

On June 28 and 30 and July 8, 1941, the United States attorneys for the Eastern District of Michigan, Eastern District of Missouri, District of Rhode Island, and the Eastern District of Wisconsin filed libels against the following amounts of candy: 341 boxes at Detroit, Mich., 90 boxes at St. Louis, Mo., 77 boxes at Providence, R. I., and 122 boxes at Milwaukee, Wis., alleging that the article had been shipped within the period from on or about April 23 to on or



about May 23, 1941, by Close & Co. from Chicago, Ill.; and charging that it was adulterated. It was labeled in part: "United All American Pop \* \* \* 80 Ct."; "Major Pops \* \* \* 144 Count"; "Double Header Candy \* \* \* 144 Count"; "180 Ct. Drum Majors Ball Pop on Safety Sticks"; "Twin Sticks \* \* \* 144 Count"; or "Drop Kicks \* \* \* 80 Ct."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Between August 7 and September 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2521. Adulteration of candy. U. S. v. 1 Barrel, 31 Cases, and 11 Cases of Candy. Default decree of destruction.** (F. D. C. No. 4062. Sample Nos. 50934-E to 50936-E, incl.)

On March 31, 1941, the United States attorney for the Northern District of West Virginia filed a libel against 1 barrel and 42 cases of candy at Martinsburg, W. Va., alleging that the article had been shipped on or about December 5, 1940, and February 20, 1941, by John H. Dockman & Son, Inc., from Baltimore, Md.; and charging that it was adulterated. It was labeled in part: (Barrel) "200 Lbs. Net \* \* \* Jelly Eggs"; (31 cases) "Jelly Eggs Net When Packed 25 Lbs."; and (11 cases) "15 Lbs. Grocery Mixed."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 23, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2522. Adulteration of candy. U. S. v. 6 Cartons of Candy. Consent decree of condemnation and destruction.** (F. D. C. No. 5929. Sample No. 50336-E.)

On September 30, 1941, the United States attorney for the District of Maryland filed a libel against 6 cartons of candy at Hagerstown, Md., alleging that the article had been shipped on or about September 9, 1941, by Gibson Candy Co., Inc., from Bristol, Va.; and charging that it was adulterated. It was labeled in part: (Cartons) "120-Bdls. Mint Stick No. 205-4 Oz."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 30, 1941, Gibson Candy Co., Inc., claimant, having withdrawn its claim and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**2523. Adulteration of candy. U. S. v. 37 Cases of Candy. Default decree of forfeiture and destruction.** (F. D. C. No. 5156. Sample No. 29410-E.)

On July 17, 1941, the United States attorney for the Southern District of Indiana filed a libel against 37 cases, each containing 35 pounds, of candy at Seymour, Ind., alleging that the article had been shipped in interstate commerce on or about April 24 and May 12 and 15, 1941, by Health Food Products Co., Inc., from Louisville, Ky.; and charging that it was adulterated. It was labeled in part "Mint."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 12, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2524. Adulteration of chocolate candy. U. S. v. 14 Cases of Candy (and 2 other seizures of candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4967, 5015, 5017. Sample Nos. 56695-E, 56698-E, 69817-E.)

On or about June 20 and 28, 1941, the United States attorneys for the District of Connecticut and the Northern District of New York filed libels against 10 1 pound boxes and 18 cases each containing 24 boxes of chocolate candy at Hartford, Conn., and 33 boxes of candy at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about May 6 to on or about June 5, 1941, by Liberty Chocolate Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled



in part variously: "Home Mades Chocolates by Ellen Joyce Boston," "Alberta Chocolate Cordial Cherries," or "Barbara Taylor Hand Dipped Chocolates."

On August 1 and 11, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2525. Adulteration of candy. U. S. v. 21 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5155. Sample No. 29489-E.)

On July 15, 1941, the United States attorney for the Southern District of Ohio filed a libel against 21 boxes, each containing 24 packages, of candy at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about May 22, 1941, by Mattingly Candy Co., Louisville, Ky.; and charging that it was adulterated. It was labeled in part: "Matty Boy 5c Stick Candy."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2526. Adulteration of candy. U. S. v. 97 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5304. Sample No. 49192-E.)

On August 5, 1941, the United States attorney for the Northern District of Florida filed a libel against 97 boxes, each containing 30 bars, of candy at Pensacola, Fla., alleging that the article had been shipped on or about July 10, 1941, by McGraw Candy Co. from Mobile, Ala.; and charging that it was adulterated. It was labeled in part: (Bars) "Peanut Bars," "Cocoanut Bars," or "Mint Sticks."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2527. Adulteration of candy. U. S. v. 32 Cartons and 16 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5173, 5267. Sample Nos. 61511-E to 61514-E, incl., 69574-E.)

On July 21 and August 2, 1941, the United States attorneys for the Southern District of New York and the Western District of Washington filed libels against 32 cartons each containing 24 bars of candy at New York, N. Y., and 16 boxes each containing 24 bars of candy at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 27 and June 21, 1941, by Natural Brands, Inc., from Glendale, Calif.; and charging that it was adulterated. It was labeled in part: (Bars) "Nut Fruto," "Chocolate Nut," "Chocolate Covered Nut Chocolate," "Carque's Nut Fruto," "Coconut Honey Toastee," or "Truffles."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The shipment seized at Seattle was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 20 and September 29, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2528. Adulteration of candy. U. S. v. 16 Cases and 5 Cases of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5247, 5351. Sample Nos. 60177-E, 61313-E.)

On July 30 and August 12, 1941, the United States attorneys for the District of Idaho and the District of Oregon filed libels against 16 cases each containing 24 bars of candy at Wallace, Idaho, and 5 cases each containing 1 pitcher of mints, 6 1-pound jars, and 12 4¼-ounce jars of hard candy at Medford, Oreg., alleging that the articles had been shipped on or about June 16 and July 18, 1941, by the Parisian Candy Co. from Seattle, Wash.; and charging that they were adulterated. They were labeled in part: (Bar wrapper) "Whipped Dream Parisian Style Bar"; or (case) "Parisian Charmed Land Candies."

The articles were alleged to be adulterated in that they consisted wholly or in part of a filthy substance. The candy seized at Wallace, Idaho, was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 25 and October 9, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.



**2529. Adulteration of candy. U. S. v. 32 Boxes, 20 Boxes, 20 Boxes, and 21 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5175. Sample Nos. 60820-E to 60823-E, incl.)

On July 21, 1941, the United States attorney for the Western District of Washington filed a libel against 93 boxes, each containing 24 bars, of candy at Seattle, Wash., alleging that the article had been shipped in interstate commerce in part on or about June 24, 1941, by Chas. Rawak Co. and in part on or about July 3, 1941, by Rawak Candy Co. from Los Angeles, Calif.; and charging that it was adulterated. It was labeled in part: (Bars) "Nut-ty Big Chew 5¢"; "Cherry Cream"; "Maple Walnut"; or "Spanish Peanut."

All lots of the article were alleged to be adulterated in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. All lots of the article except that labeled "Spanish Peanut" were alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2530. Adulteration of candy. U. S. v. 35 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5218. Sample No. 59501-E.)

On July 24, 1941, the United States attorney for the District of Maryland filed a libel against 35 boxes of candy at Baltimore, Md., alleging that the article had been shipped on or about June 14, 1941, by Richmond Candy Manufacturing Co. from Richmond, Va.; and charging that it was adulterated. It was labeled in part: (Boxes) "72 Big Apple Sucker."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2531. Adulteration of candy. U. S. v. 287 Boxes, 76 Baskets, and 18 Chests of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4780. Sample Nos. 69621-E to 69629-E, incl.)

Examination showed that this product was contaminated variously with the following extraneous materials: Rodent hairs and miscellaneous filth fragments, human hairs, insect fragments, wood splinters, metal filings and fragments, and pebbles.

On May 15, 1941, the United States attorney for the District of New Jersey filed a libel against 287 1-pound boxes, 60 1-pound baskets, 16 2-pound baskets, and 18 2-pound chests of candy at Newark, N. J., alleging that the article had been shipped within the period from on or about February 19 to April 29, 1941, by Romance Chocolate Co. from East Boston, Mass.; and charging that it was adulterated. It was labeled in part: "Handcrafters Dainty [or "Miss Ann's Assorted," "Romance Assorted," "Hostess Package Miniature," or "Romance Custom Made"] Chocolates"; Romance Chocolate Covered Fruits & Nuts (No Creams); or "Custom Made Chocolates by Romance."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2532. Adulteration of candy. U. S. v. 30 Boxes, 4 Boxes, and 3 Boxes of Candy (and 2 other seizures of candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4744, 4803, 4912. Sample Nos. 69039-E to 69041-E, incl., 69043-E, 69135-E, 69630-E to 69635-E, incl., 69638-E, 69639-E.)

Examination showed that this product was contaminated with rodent hairs. Portions also contained insect fragments, metal and paint fragments, and wood splinters.

On May 10 and 20 and June 17, 1941, the United States attorneys for the Northern District of New York and the District of New Jersey filed libels against 55 boxes of candy at Schenectady, N. Y., and 79 boxes of candy at Newark, N. J., alleging that the article had been shipped within the period from on or about March 17 to on or about May 6, 1941, by the San-Man Chocolates Co. from Boston and East Boston, Mass.; and charging that it was adulterated. The article was labeled in part: "San-Man Chocolates Canditreats [or "Assorted Chocolates"]"; "180 Ct. Peppermint [or "Whipped Cream" or "Milk Brazil Nuts"]"; "San-Man Chocolates \* \* \* One Pound Net"; or "180 Ct. Caramel [or "Nougatine"]."



The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On June 19 and September 15, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2533. Adulteration of candy. U. S. v. 8 Boxes and 133 Boxes of Candy (and 5 other seizures of candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4954 to 4958, incl., 5059. Sample Nos. 5343-E, 5347-E to 5349-E, incl., 29411-E, 29412-E, 29841-E, 29842-E, 50255-E.)

Between June 18 and July 3, 1941, the United States attorneys for the Southern District of Indiana, Eastern District of Kentucky, Eastern District of Tennessee, and the Northern District of West Virginia filed libels against the following amounts of candy: 129 boxes at Indianapolis, Ind., 141 boxes at Covington, Ky., 23 10-pound cartons at Paintsville, Ky., 76 boxes and 4 27-pound cartons at Knoxville, Tenn., and 18 boxes at Berkeley Springs, W. Va., alleging that the article had been shipped by the Geo. E. Smith Co. from Cincinnati and from Loveland, Ohio; and charging that it was adulterated. It was labeled in part: (23 cartons "Loveland Chocolate Drops"; (4 cartons) "Cocoanut Hilltops"; (133 boxes each containing 12 bars) "Opera Cream Cluster \* \* \* 2 Oz."; (155 boxes) "72 [or "120"] Count—One Cent Caramel Snacks"; (68 boxes) "60 Penny Loveland Mints"; and (8 boxes) "12 Lbs. Net M N Peanuts Assorted [or "Jumbo"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Between July 11 and September 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2534. Adulteration of candy. U. S. v. 47 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4907. Sample Nos. 62604-E to 62609-E, incl.)

On June 11, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 47 cartons, each containing 100 bars, of candy at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 3, 14, and 16, 1941, by R. L. Stiles Co. from Stoneham, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The product was labeled in part: (Bars) "Stiles Chocolate Covered Peanut Chew," "Stiles Old Tom 5c a Rum Flavor Chocolate Covered," "Stiles Brazilian Creme Caramel," or "Stiles Fruit Royal Chocolate Covered 5c."

On August 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2535. Adulteration of candy. U. S. v. 147 Packages and 178 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4964. Sample Nos. 57622-E to 57627-E, incl.)

On or about June 20, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 147 packages and 178 boxes of candy at Malden, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about April 22 to May 15, 1941, by Tyler Candy Co. from Tyler, Tex.; and charging that it was adulterated. It was labeled in part: (Boxes) "Tyler Maid Penny Stick" or "Tyler Chicken Bone."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2536. Adulteration of candy. U. S. v. 1 Case, 1 Case, 1 Box, and 2 Boxes of Candy (and 1 other seizure action against candy). Consent decrees of forfeiture and destruction.** (F. D. C. Nos. 4739, 4756. Sample Nos. 44791-E to 44798-E, incl.)

On or about May 12 and on May 16, 1941, the United States attorney for the District of Kansas filed libels against the following amounts of candy at Jetmore, Kans.—1 105-pound barrel, 1 case containing 34 pounds, 1 case containing 32 pounds, 1 case containing 26 pounds, 1 case containing 20 pounds, 1 box containing 10 pounds, and 4 5-pound boxes, alleging that the article had been shipped by the



Brecht Candy Co. from Denver, Colo., on or about April 29, 1941; and charging that it was adulterated. It was labeled in part: "Cinnamon Candy Balls," "Candy Orange Slices," "Candy Cherries," "Druggists' Horehound Tablets," "Social Smacks," "Molasses Peanut Candy Squares," "Airway Chocolate Peanut Clusters," or "Pink Lozenges."

A portion of the article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. The candy in both lots was alleged to be adulterated in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 23, 1941, the claimant having admitted the allegations of the libels, judgments of forfeiture were entered and the product was ordered destroyed.

**2537. Misbranding of Oomph candy. U. S. v. 11 Dozen Boxes of Oomph Candy. Default decree of condemnation and destruction.** (F. D. C. No. 3463. Sample No. 31214-E.)

This candy, which was offered as an aid to reduction of weight, had essentially the same composition, was wrapped and packed like, and possessed approximately the same caloric value as ordinary candy.

On December 4, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 11 dozen boxes of Oomph candy at Milwaukee, Wis., alleging that the article had been shipped on or about October 21, 1940, by Nu-Pak-Ej, Inc., from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "'Oomph' Candy and Reducing Program."

The article was alleged to be misbranded in that representations in the labeling that it would be efficacious in the safe reduction of weight; and that when used in conjunction with the dietary program included in the labeling, it would provide a proper method of "slenderizing" or losing excessive weight, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 511.

On January 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2538. Misbranding of candy. U. S. v. 37 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 1806. Sample No. 6034-E to 6037-E, incl.)

The labeling of this product bore false and misleading representations regarding its efficacy as a reducing agent. Furthermore, the lower layer of the boxes contained a smaller amount (in some instances half or less than half) of candy than the upper layer.

On April 19, 1940, the United States attorney for the District of Montana filed a libel against a total of 37 boxes of candy at Butte, Mont., alleging that the article had been shipped in interstate commerce within the period from on or about January 17 to on or about March 4, 1940, by Mrs. J. G. McDonald Chocolate Co. from Salt Lake City, Utah; and charging that it was misbranded. The article was labeled variously: "McDonald's \* \* \* Slenderizing Chocolates"; "3 Favorites Meadow Milk Chocolates"; "Chocolate Covered Cherries Cream Brazil Nuts"; or "McDonald's Cherry Chocolates."

A portion of the article was alleged to be misbranded in that the statement "My Slenderizing Chocolates," borne on the label, was false and misleading as applied to an article containing the ingredients listed in the ingredient statement, namely, whipping cream, fresh eggs, creamery butter, chocolate, honey, sugar, nuts, and fruits, which would have no slenderizing effects. All lots were alleged to be misbranded in that the statements "How to keep slender \* \* \* Slenderizing Hand-Rolled Chocolates \* \* \* There is no more worry about excessive weight \* \* \* Mrs. J. G. McDonald's World Famous Chocolate Coatings are extremely low in cocoa butter content \* \* \* contains Dextrose and Levulose. These energizing ingredients are most essential in burning up excess fat \* \* \* Eat Mrs. McDonald's Chocolates every day and keep fat away," appearing in the circular contained in the boxes, were false and misleading as applied to an article containing ingredients that have no slenderizing effects and do not burn up excess fat and do not keep fat away.

The cherry chocolates were alleged to be misbranded further in that the statement "whipping cream, fresh eggs, creamery butter, cocoanut, nuts, fruits" on the boxes was false and misleading as applied to an article that did not contain whipping cream, fresh eggs, creamery butter, cocoanut, and nuts as declared on the label and that contained only one fruit, namely, cherries.



All lots were alleged to be misbranded further in that the containers were so filled as to be misleading. They were alleged to be misbranded further in that the labels did not bear the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, the statement of ingredients, the statements of artificial flavor and artificial color and chemical preservative required by law to appear on the labels, prominently placed thereon with such conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

On May 23, 1940, no claimant having appeared, judgement of condemnation was entered and the product was ordered destroyed.

**2539. Misbranding of chocolate-covered cherries. U. S. v. 18 Cartons of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 3696. Sample No. 51004-E.)

Examination showed that the boxes of candy contained two layers of chocolate-covered cherries in paper cups, the pieces separated by cardboard dividers which extended  $\frac{1}{4}$  inch beyond the candy on both sides of the boxes. The spaces for the individual pieces of candy were larger than necessary.

On January 23, 1941, the United States attorney for the District of Rhode Island filed a libel against 18 cartons of candy at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 12, 1940, by G. Cella, Inc., from New York, N. Y.; and charging that it was misbranded. The product was labeled in part: "Cella's Cherries Incased in Chocolate \* \* \* One Pound Net Weight."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On June 13, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered distributed to charitable institutions.

#### SUGAR

**2540. Adulteration of sugar. U. S. v. 34 Bags of Sugar. Default decree of condemnation and destruction.** (F. D. C. No. 4926. Sample No. 67191-E.)

This product had been stored under insanitary conditions in the factory of the consignee; and the bags containing it were contaminated with rodent hairs, urine stains, and other soiled areas. Because of the porous character of the bags, the sugar itself had undoubtedly become contaminated.

On June 17, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 34 100-pound bags of sugar at Little Rock, Ark., alleging that the article had been shipped on or about February 15, 1941, by J. Aron & Co. from Schriever, La.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Supreme Extra Fine Granulated Pure Cane Sugar."

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FLAVORS

**2541. Adulteration and misbranding of vanilla and lemon extracts. U. S. v. 8 Cases of Lemon Extract and 9 Cases of Vanilla Extract. Default decree of forfeiture and destruction.** (F. D. C. No. 4757. Sample Nos. 60585-E, 60586-E.)

Examination disclosed that the lemon extract was an artificially colored solution which contained no lemon oil and was practically worthless for flavoring purposes; and that the so-called vanilla extract was an imitation product that contained vanillin, coumarin, and caramel color.

On May 16, 1941, the United States attorney for the District of Idaho filed a libel against 8 cases of extract of lemon and 9 cases of extract of vanilla at Boise, Idaho, alleging that the articles had been shipped on or about January 30, 1941, by Gibson Evans Co. from Salt Lake City, Utah; and charging that it was adulterated and misbranded. It was labeled in part: "Gibson's Premier Extract Lemon [or "Vanilla"] \* \* \* Net Contents 8 Fluid Oz."

The lemon extract was alleged to be adulterated in that an artificially colored solution practically worthless for flavoring purposes and containing no lemon oil had been substituted wholly or in part for extract of lemon. It was alleged to be misbranded in that the statement "Extract Lemon" was false and misleading; and in that it was offered for sale under the name of another food.



The extract of vanilla was alleged to be adulterated in that an imitation vanilla extract containing vanillin, coumarin, and caramel color had been substituted wholly or in part for extract of vanilla. It was alleged to be misbranded: (1) in that the statement "Extract Vanilla" was false and misleading; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (5) in that it contained artificial coloring and did not bear labeling stating that fact.

On July 24, 1941, no claimant having appeared, judgment of forfeiture was entered and the products were ordered destroyed.

**2542. Adulteration and misbranding of vanilla extract. U. S. v. 9 Cases, 10 Cases, and 103 Bottles of Vanilla. Default decrees of condemnation. Portion of product ordered delivered to local charitable agencies; remainder ordered destroyed.** (F. D. C. Nos. 4762, 4763, 4767. Sample Nos. 44669-E, 44670-E, 57649-E.)

This product contained extractive matter from sources other than the vanilla bean.

On May 13 and 16, 1941, the United States attorneys for the Eastern District of Missouri and the District of Colorado filed libels against 10 cases each containing 24 8-ounce bottles of vanilla at St. Louis, Mo., and 9 cases, each containing 24 8-ounce bottles, of vanilla at Denver, and 103 8-ounce bottles of vanilla at Aurora, Colo., alleging that the article had been shipped in interstate commerce on or about February 7, 17, and 25, 1941, by the La Salle Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Cook's Pride Brand Pure Vanilla Extract."

The article was alleged to be adulterated in that a substance containing vanillin and extractive matter from sources other than vanilla beans, and simulating vanilla extract, had been substituted wholly or in part for pure vanilla extract, which it purported to be.

It was alleged to be misbranded in that the statement "Pure Vanilla Extract" was false and misleading as applied to a substance containing vanillin and extractive matter from sources other than vanilla beans. It was alleged to be misbranded further in that it was offered for sale under the name of another food, and in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated.

On May 28, 1941, no claimant having appeared for the portion of the product seized at Denver and Aurora, judgment of condemnation was entered and the product was ordered delivered to local charitable agencies. On June 30, 1941, no claimant having appeared for the seizure at St. Louis, judgment of condemnation was entered and the product was ordered destroyed.

**2543. Adulteration and misbranding of vanilla extract. U. S. v. 19 Cases of Vanilla Extract. Default decree of condemnation. Product ordered delivered to a charitable organization.** (F. D. C. No. 3957. Sample No. 40309-E.)

Analysis indicated that this product contained resinous substances that were derived from sources other than the vanilla bean.

On March 12, 1941, the United States attorney for the District of New Jersey filed a libel against 19 cases of extract of vanilla at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about January 17, 1941, by Francis H. Leggett & Co. from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Pure Extract Vanilla Plantation Extract Corp. New York, N. Y."

The article was alleged to be adulterated (1) in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for pure vanilla extract; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) in



that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On September 25, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution and that the labels be removed or destroyed.

### SPICES

**25-44. Adulteration of onion powder. U. S. v. 12 Cans and 6 Cartons of Onion Powder. Default decrees of condemnation and destruction.** (F. D. C. Nos. 4892, 5136. Sample Nos. 56920-E, 69489-E.)

Samples of this product were found to contain metal and insect fragments, and sand.

On June 9 and July 12, 1941, the United States attorney for the District of New Jersey filed libels against 12 cans, and 6 cartons each containing 2 cans, of onion powder at Jersey City, N. J., alleging that the former lot had been shipped from Chicago, Ill., by Sokol & Co. on or about April 16, 1941, and that the latter lot had been shipped on order of Sokol & Co. of Chicago, Ill., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Cans) "Cal Veg Pure Onion Powder Yellow Net Weight 25 Lbs."; (cartons) "Cal Veg Onion Powder Yellow"; and (cartons and cans) "Manufactured by The Burbank Corporation Burbank, California."

On September 5, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**25-45. Adulteration of onion powder. U. S. v. 10 Cans of Onion Powder (and 3 other seizures of onion powder). Default decrees of condemnation and destruction.** (F. D. C. Nos. 4932, 5114, 5137, 6231. Sample Nos. 56921-E, 69490-E, 69833-E, 74822-E.)

Samples of this product were found to contain metal and insect fragments, sand, and dirt.

On July 11, 15, and 17, and November 17, 1941, the United States attorneys for the District of New Jersey and the Southern District of New York filed libels against 12 cans and 6 cases each containing 2 cans of onion powder at Jersey City, N. J., and 10 cans and 19 cartons each containing 2 cans of onion powder at New York, N. Y., alleging that the article had been shipped in interstate commerce by the Burbank Corporation from Los Angeles, Calif., within the period from on or about October 2, 1940, to on or about October 4, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Cal Veg Onion Powder Yellow [or 'White']"; (cans) "Net Weight 25 Lbs."; and (cases and cartons) "Net Weight 50 Lbs."

On August 19 and September 4 and 10, 1941, and January 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**25-46. Adulteration and misbranding of sweet paprika and white pepper. U. S. v. 33 Cans of Sweet Paprika and 53 Cans of White Pepper. Default decree of condemnation and destruction.** (F. D. C. No. 5153. Sample Nos. 69659-E, 69660-E.)

The sweet paprika contained added starch and artificial color and its label failed to bear a statement of the quantity of the contents. The white pepper contained added starch.

On July 15, 1941, the United States attorney for the District of New Jersey filed a libel against 33 cans of sweet paprika and 53 cans of white pepper at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about March 10, 1941, by Sure Rise Baking Powder Co. from New York, N. Y.; and charging that they were adulterated and that the paprika was also misbranded. The articles were labeled in part: "Crown Brand \* \* \* Imported Sweet Paprika"; or "Crown Brand \* \* \* White Pepper Spice Products Co., New York."

The paprika was alleged to be adulterated (1) in that a substance, paprika containing added starch and artificial color, had been substituted wholly or in part for paprika, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that starch and artificial color had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of



greater value than it was. It was alleged to be misbranded in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

The white pepper was alleged to be adulterated in that a substance, pepper containing added starch, had been substituted wholly or in part for pepper, which it purported to be; and in that starch had been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

### MISCELLANEOUS

**2547. Misbranding of Kresto. U. S. v. 735 Cases and 226 Cases of Kresto. Consent decree of condemnation. Product ordered released under bond for salvaging.** (F. D. C. No. 3688. Sample Nos. 44142-D, 44143-D.)

This product was a mixture of sugar, cocoa, malt, and possibly a small amount of skim milk. Its labeling failed to bear a statement of ingredients.

On January 27, 1941, the United States attorney for the District of Puerto Rico filed a libel against 961 cases of Kresto at San Juan, P. R., alleging that the article had been shipped in interstate commerce on or about December 5, 1940, by Bestov Products, Inc., from Long Island City, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading since they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: (Cans and cases, translated from Spanish) "Health Energy \* \* \* An extract of the most nutritive foods of nature: \* \* \* It is very rich in vitamins \* \* \*. Kresto aids the digestion of other foods and taken before going to bed it produces a tranquil and restorative sleep. Kresto is a food prepared especially for nourishing the organism with the minimum of digestive effort. Kresto contains in correct proportion all the substances necessary for strengthening the brain, nourishing the bones, increasing the red corpuscles in the blood, building up the tissues, creating strong muscles and firm flesh. Kresto is a powerful generator of energy. \* \* \* Alimentary value: 43 calories to each teaspoonful. It contains carbohydrates, proteins, fats and mineral substances; (cans in 735 cases only) "Take Kresto 3 times a day for health and energy." It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On August 5, 1941, F. Freiria S. en C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2548. Misbranding of gelatin. U. S. v. 203 Cases of Gelatin. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 4693. Sample Nos. 40349-E, 40350-E.)

The labeling of this product bore false and misleading representations concerning its value for reducing fatigue and increasing energy and endurance.

On May 8, 1941, the United States attorney for the District of New Jersey filed a libel against 203 cases of gelatin at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about March 20 and April 16, 1941, by the Charles B. Knox Gelatine Co., Inc., from Johnstown, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following designs, devices, and statements appearing in the circular accompanying both shipments and further and similar statements, designs, and devices in a booklet accompanying one of the shipments, concerning the value of the product for avoiding fatigue and increasing energy and endurance, were false and misleading: "How Knox Gelatine Works For You! \* \* \* For Endurance [vignette of pamphlet entitled 'Fatigue And the New Way to Avoid It' and portraying pictures of individuals engaged in various physical activities] \* \* \* The New Use For Knox Gelatine \* \* \* The Knox Gelatine diet is being adopted by men and women all over the country who report that it really works. Hundreds of people who have completed 28-day occupational group tests have reported that Knox Gelatine has reduced fatigue to a significant degree. This is not theory. It is based upon carefully collected reports of men and women whose



work makes strenuous demands on mental and physical endurance. If you could use more endurance, try the Knox Gelatine endurance diet, yourself. Have members of your family try it. \* \* \* Ask people to try Knox Gelatine for greater endurance \* \* \*. How To Take Knox Gelatine For More Endurance—Less Fatigue \* \* \* Stock the new 32-envelope economy package and make the Knox Endurance Routine easy for your customers. \* \* \* Answering Your Customers Question About Knox Gelatine \* \* \* The latest research development—and the most wide-spread—is the use of Knox Gelatine in building endurance and resistance to fatigue. Booklets on Knox Gelatine for greater endurance \* \* \* are available on request.”

The article was also alleged to be misbranded in violation of the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 497.

On August 15, 1941, the Charles B. Knox Gelatine Co., Inc., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the circulars and booklets be removed from the packages under the supervision of the Food and Drug Administration.

**2549. Adulteration and misbranding of R. M. Dietary Supplements Vitamin A and D. U. S. v. 38 Bottles of R. M. Dietary Supplements Vitamin A and D. Default decree of condemnation. Product ordered distributed to hospitals. (F. D. C. No. 4304. Sample No. 8319-E.)**

This product was represented to contain 3,140 International Units of vitamin A and 314 International Units of vitamin D per tablet, but contained not more than 30 U. S. P. units of vitamin A and not more than 150 U. S. P. units of vitamin D. (By definition, 1 U. S. P. unit of vitamin A or D is equivalent to 1 International Unit of the same vitamin.) A large core of cotton extended more than half way to the bottom of the bottle and tablets surrounded the cotton. When the cotton was removed, the tablets filled the bottle approximately half full.

On April 12, 1941, the United States attorney for the District of Minnesota filed a libel against 38 bottles of the above-named product at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about November 2, 1940, by Ryer Mouser from Los Angeles, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamins A and D, had been wholly or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements on the label were false and misleading: “Each Tablet Contains Vitamin A from fish liver oil \* \* \* 3140 I. U. Vitamin D from fish liver oil 314 I. U.” It was alleged to be misbranded further in that its container was so filled as to be misleading.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 477.

On May 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to hospitals chosen by the marshal in his discretion.

**2550. Adulteration and misbranding of Ace High Effervescent Preparation. U. S. v. 14 Cases of Ace High Effervescent Preparation. Default decree of condemnation and destruction. (F. D. C. No. 3117. Sample No. 33399-E.)**

This product contained borax, an added poisonous or deleterious substance. Furthermore, the labels did not bear the required ingredient statement, and those of a portion falsely stated the presence of citric acid.

On October 2, 1940, the United States attorney for the District of Connecticut filed a libel against 14 cases, each containing 24 jars, of Ace High Effervescent Preparation at New Haven, Conn., alleging that the article had been shipped on or about August 30, 1940, by Premium Color Works from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) “Ace High Effervescent [or “Effervescent Preparation”] \* \* \* Net 4 Ozs. Packed For The Pepe-Maisano Co. New Haven, Conn.”

The article was alleged to be adulterated in that it contained an added poisonous or deleterious substance, borax, which was unsafe within the meaning of the law.

It was alleged to be misbranded in that the words “citric acid” in the statement of active ingredients on some of the labels were false and misleading since citric acid was not present; and in that it was fabricated from two or more ingredients and did not bear the common or usual name of each of the ingredients.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



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<sup>1</sup> Prosecution contested.



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peaches, canned-----	2446	codfish, salt-----	2431
Beatrice Creamery Co. :		finnan haddie-----	2432
butter-----	2332, 2333, 2341	Colonial Macaroni Manufacturing	
Beaver Valley Canning Co. :		Co. :	
tomato catsup-----	2465	macaroni-----	2321
Behringer, Sam, Cash & Carry Gro-		Community Creamery Co. :	
cery :		butter-----	2342
butter-----	2334	Consolidated Freight Forwarding Co. :	
Bell Creamery Co. :		apricots, canned-----	2440
butter-----	2363	Coulbourn, N. R. :	
Benewah Creamery, Inc. :		crab meat-----	2408
butter-----	2364	Crampton Canneries, Inc. :	
Best Bros. Creamery :		tomato puree-----	2471
butter-----	2365, 2370	Crouch, A. T., Creamery Co. :	
Best, E. A. :		butter-----	2361
butter-----	2365	Cudahy Packing Co. :	
Best, I. J. :		butter-----	2343
butter-----	2365	Cusumano, J. :	
Bestov Products, Inc. :		imitation olive oil mixture-----	2508
Kresto-----	2547	Daggatt Cheese & Creamery Co. :	
Blue Bell Creameries. :		butter-----	2359
butter-----	2366	Dairygold Creamery :	
Blue Ridge Creamery, Inc. :		butter-----	2334
butter-----	2335	Dauber Bros. :	
Blue River Creamery Co. :		butter-----	2361
butter-----	2336	Decorah Produce Co. :	
Blue Valley (Beatrice Creamery Co.) :		poultry-----	2495
butter-----	2333	Demartini, L., Co. :	
Blue Valley Creamery :		walnuts, black-----	2501
butter-----	2337	Dick, C. L., & Co. :	
Body, B. H., & Co. <i>See</i> Body, B. H.,		apricots, dried-----	2481
Inc.		Di Napoli, F. L. :	
Body, B. H., Inc. :		apricots, dried-----	2481
apricots, canned-----	2440	Dockman, John H., & Son, Inc. :	
tomatoes and tomato sauce-----	2460	candy-----	2521
Booth Fisheries Corporation :		Doughnut Corporation of America :	
perch, frozen-----	2417	doughnut mixture-----	2313
Borden Co. :		Easterlin Packing Co. :	
butter-----	2338	peaches, canned-----	2450
Borden, S. S., Co. :		El Encanto Vineyards :	
butter-----	2342	raisins-----	2485
Boring Creamery Co. :		El-Mar Packing Co. :	
butter-----	2339	raisins-----	2484
Boston Fish Co. :		El Reno Poultry & Egg Co. :	
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Brakeley Canning Co. :		Elam Mills, Inc. :	
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Brecht Candy Co. :		Elzea, W. W., Inc. :	
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Brewster Creamery :		Emerald Cooperative Creamery :	
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Brooklawn Creamery Co. :		Emma Creamery Co. :	
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Cape Ann Fisheries, Inc. :		succotash, canned-----	2548
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Carthage Creamery Co. :		flour-----	2308
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Caruso, J. :		butter-----	2381
olive oil-----	2505	Farmers Cooperative Creamery Asso-	
Catanzaro, Filippo :		ciation :	
imitation olive oil mixture-----	2506	butter-----	2376
Cella, G., Inc. :		Farmers' Hominy Mill :	
cherries, chocolate-covered-----	2539	corn meal-----	2320
Centrox Dairy Co. :		Farmers Mutual Cooperative Cream-	
butter-----	2431	ery :	
Cherokee Products Co. :		butter-----	2377
peaches, canned-----	2449	Fettig Canning Co. :	
Cincinnati Terminal Warehouse Co. :		tomato catsup-----	2466
butter-----	2373		



	N. J. No.		N. J. No.
Fiorello, A.:		Horowitz & Margaretten:	
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clams, canned	2407	butter	2366
Foley Creamery Co.:		Hudson, R. M.:	
butter	2378	corn meal	2317
40-Fathom Fish, Inc.:		Humphreys Canning Co.:	
fish, frozen	2421	oysters, canned	2405
Fountain City Creamery:		Hunter Packing Co.:	
butter	2394	butter	2333
French-Bauer, Inc.:		Indian Ridge Canning Co.:	
butter	2345	oysters, canned	2406
Frink Creamery Co.:		Interstate By-Products & Supply Co.:	
cheese	2395	bone meal	2327, 2328
General Seafoods Corporation:		meat and bone scraps	2328
fish, frozen	2421	Ironwood Co-op. Creamery Association:	
Gerde Newman & Co.:		cheese	2396
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Gibbs & Co., Inc.:		Italo Olive Oil Importer:	
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candy	2522	butter	2392
Gibson Evans Co.:		June Dairy Products Co., Inc.:	
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vanilla extract	2541	Justis, R. A.:	
Gloucester Fresh Fish Co.:		corn meal	2317
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Gloucester Sea Foods Corporation:		corn meal	2317
whiting, frozen	2426	Kennedy Mayonnaise Products Co., Inc.:	
Gomperts, Jack, & Co.:		egg noodle and chicken dinner	2323
apricots, dried	2481	Kern Food Products, Inc.:	
raisins	2486	chili sauce	2474
Goodspeed, L. B., Inc.:		Kingan & Co.:	
haddock, frozen	2414	butter	2347
Gorton-Pew Fisheries Co.:		Knox, Charles B., Gelatine Co., Inc.:	
whiting, frozen	2422	gelatin	2548
Great Atlantic & Pacific Tea Co.:		Kroger Grocery & Baking Co.:	
butter	2384	butter	2382
whiting, frozen	2423	Kuluz Bros. Packing Co., Inc.:	
Grocery Distributors, Inc.:		oysters, canned	2405
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Gude Bros. Kieffer Co.:		macaroni and spaghetti	2322
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Gude & Cole, Inc.:		butter	2348
butter	2376	Ladoga Canning Co.:	
Gulf Pecan Co.:		corn, canned	2451
pecans	2498	La Pond Fisheries:	
Haldeman Creamery:		fish roe	2437
butter	2346	La Salle Manufacturing Co.:	
Haldeman, J. A., & Bro.:		vanilla extract	2542
butter	2346	Lauerman Bros. Co.:	
Hampton Bros.:		butter	2365
butter	2337	Lawrenceburg Roller Mills Co.:	
Hanover Creamery Association:		flour, self-rising	2310
butter	2379	Lawson, I. W. See Lawson, I. W., & Co.	
Hanover Food Products Co.:		Lawson, I. W., & Co.:	
butter	2360	oysters	2403
vegetable shortening	2503	Lawson, N. E. See Lawson, I. W. & Co.	
Harding Creamery Co.:		Leggett, Francis H., & Co.:	
butter	2380	vanilla extract	2543
Hartson, W. H.:		Liberty Chocolate Co.:	
butter	2363	candy	2524
Hawker's Market:		Litchfield Produce Co.:	
scallops	2410	poultry	2490
Health Food Products Co., Inc.:		Lockport Canning Co.:	
candy	2523	cherries, canned	2443
Henry & Close, Inc.:		Longino & Collins:	
whiting, frozen	2424	butter	2363
Highway Butter & Egg Co.:		Lucerne Cream & Butter Co.:	
eggs, frozen	2398	butter	2372
Hillsboro Queen-Anne Cooperative Corporation:		Lush's Brand Distributors, Inc.:	
peas, canned	2455	cherries, canned	2443
Hollar, H. L.:		Manchester Corn Mill:	
turkeys	2493	corn meal	2317
Hollister Canning Co.:		Mariners Fish Co.:	
tomato paste	2468	whiting, frozen	2425, 2427
Holloway Canning Co.:		Mason, Ehrman & Co.:	
peaches, canned	2447	prunes	2483
Holloway, J. W., Jr.:		Mattingly Candy Co.:	
peaches, canned	2450	candy	2525
Holt, T. W.:		Mayfair Packing Co.:	
tomatoes, canned	2461	apricots, dried	2481
Home Mill & Grain Co., Inc.:			
flour, self-rising	2309		
Hongkong Export Co.:			
egg yolk, dried	2402		



McCoy Canned Foods Co.:	N. J. No.	Pacific Raisin Co., Inc.:	N. J. No.
peas, canned-----	2456	raisins-----	2487
McCrum's Creamery:		Parisian Candy Co.:	
butter-----	2349	candy-----	2528
McDaniel Milling Co.:		Peloian Packing Co.:	
flour-----	2303	raisins-----	2488
McDonald, Mrs. J. G., Chocolate Co.:		Pendola Nut Co.:	
candy-----	2538	pecans-----	2496
McGrath, H. J., Co.:		Pepe-Maisano Co.:	
tomato paste-----	2469, 2470	Ace High Effervescent Preparation--	2550
McGraw Candy Co.:		Perrucci, J. P.:	
candy-----	2526	apricots, dried-----	2481
McMahon, E. J.:		Phelan Co.:	
olive oil mixture-----	2512	shrimp-----	2409
Merchants Co.:		Piggly Wiggly Stores:	
corn meal-----	2318	butter-----	2337
Merchants Creamery Co.:		Pillsbury Flour Mills Co.:	
butter-----	2350	flour-----	2304
Merchants Wholesale Grocery Co.:		Pine Grove Canning Co.:	
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Meyer, Fred:		Pipestone Produce Co.:	
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Miami Fruit Industries, Inc.:		Plains Cooperative, Inc.:	
orange juice-----	2301	butter-----	2362
Midfield Packers:		Plantation Extract Corporation:	
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Miller, M. W., & Co.:		Pomona Products Co.:	
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Moffett, S. A., Co.:		Portland Egg & Poultry Co.:	
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Montrose Creamery Co.:		Premium Color Works:	
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& Son.		flounder, frozen-----	2411
Morgan Packing Co.:		Producers Creamery Co.:	
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Morgan, W. F. See Morgan, W. F., &		Progressive Fillet Co.:	
Son.		fish, frozen-----	2418, 2428
Morgan, W. F., & Son:		Progressive Fish Co.:	
oysters-----	2404	fish, frozen-----	2416, 2429
Morris Fisheries:		Progressive Fish Wharf, Inc.:	
tullibees-----	<sup>1</sup> 2430	perch, frozen-----	2418
Mouser, Ryer:		Puccinelli Packing Co.:	
R M Dietary Supplements Vitamin		prunes-----	2483
A and D-----	2549	Puget Sound Egg Packers:	
Naples Oil Packing Co.:		eggs, frozen-----	2397
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Nash, B. Brice, Creamery:		butter-----	2368, 2386
butter-----	2351	Rawak Candy Co.:	
Nation-Wide Stores Co.:		candy-----	2529
butter-----	2331	Rawak, Chas., Co. See Rawak Candy	
National Retailer-Owned Grocers, Inc.:		Co.	
tomato products-----	2460, 2465	Richmond Candy Manufacturing Co.:	
tomatoes, canned-----	2460	candy-----	2530
Natural Brands, Inc.:		Rinaldi, Soc. Au.:	
candy-----	2527	tomato sauce-----	2473
Nevada Poultry Co., Inc.:		Ritacco, V.:	
poultry-----	2491	olive oil-----	2514
New England Fillet Co.:		Roma Oil Packing Co.:	
fish, frozen-----	2415, 2426	imitation olive oil-----	2515
Nielson, A. N.:		Romance Chocolate Co.:	
poultry-----	2492	candy-----	2531
Nomis Corporation:		Rose City Roller Mills:	
frog legs, canned fried-----	2433	corn meal-----	2319
North American Creameries, Inc.:		Rowland Canning Co.:	
butter-----	2384	tomatoes, canned-----	2462
Nu-Pak-Ej, Inc.:		Royal Canning Corporation:	
Oomph candy-----	2537	cherries, canned-----	2444
O'Donnell-Usen Fisheries:		Rugby Creamery:	
whiting, frozen-----	2427	poultry-----	2492
Omaha Cold Storage Co.:		Russell Co.:	
butter-----	2385	flour, self-rising-----	2311
Orbaker & Bush:		Sage Chemical Co.:	
apple chops-----	2480	olive oil-----	2516
Oregon Fruit Products Co.:		Sale Packing Co.:	
blackberries, canned-----	2441	butter-----	2331
Oxford Creamery Co.:		Sandy Valley Grocery Co.:	
butter-----	2343	tomato paste-----	2470
Pacella, F. R.:		San-Man Chocolates Co.:	
cherries, canned-----	2443	candy-----	2532
Pacific Food Products Co.:		Sardis Creamery Co.:	
apple butter-----	2476, 2477	butter-----	2353
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Pacific Northwest Canning Co.:		butter-----	2354
blackberries, canned-----	2442	Schwabacher Bros. & Co.:	
strawberry preserves-----	2442	tomato sauce-----	2473

<sup>1</sup> Prosecution contested.



	N. J. No.		N. J. No.
Schwens Ice Cream Co.:		Swift & Co.:	
butter -----	2387	butter -----	2357
Sclafani, Gus:		Swisher County Creamery Co. <i>See</i>	
olive oil mixture -----	2517	Swisher Creamery, Inc.	
Sea Pride Packing Corporation:		Swisher Creamery, Inc.:	
mackerel, canned -----	2434	butter -----	2392
Seaboard T. & R. Co.:		Talbot, Woods & Co.:	
butter -----	2393	butter -----	2367
Seeman Bros., Inc.:		Taylor, W. N.:	
sardines, canned -----	2436	corn meal -----	2320
Selvog Fish Co.:		Toblan, Louis, & Co.:	
tullibeas ----- <sup>1</sup>	2430	cottonseed meal -----	2325
Selvog, S. A. <i>See</i> Selvog Fish Co.		Transit Grain & Commission Co.:	
Shaver, H. A., Inc.:		bone meal -----	2327
tomatoes, canned -----	2461	Turtle Lake Cooperative Creamery:	
Silver Creek Creamery:		butter -----	2393
butter -----	2388	Tyler Candy Co.:	
Smith Creamery & Produce Co.:		candy -----	2535
butter -----	2389	Uddo-Taormina Corporation:	
Smith, Geo. E., Co.:		olive oil -----	2518
candy -----	2533	Union Oil Mill, Inc.:	
Sni-A-Bar Creamery Co.:		cottonseed meal -----	2325
butter -----	2390	United Fruit & Produce Co.:	
Snider Packing Corporation:		huckleberries, canned -----	2445
corn, canned -----	2452	United States Peanut Co.:	
Sokol & Co.:		peanut butter -----	2502
onion powder -----	2544	Vagin Packing Co.:	
South Mountain Creamery, Inc.:		raisins -----	2489
butter -----	2355	Val Vita Food Products, Inc.:	
Southern Cotton Oil Co.:		pork and beans, canned -----	2454
cottonseed screenings -----	2324	tomato juice -----	2302
Southern Pecan Shelling Co.:		Valley Mills:	
pecans -----	2499	corn meal -----	2318
Southwest Products Co.:		Valley Produce Co.:	
tomatoes, canned -----	2463	turkeys -----	2493
Spice Products Co.:		Vienna Extract Co., Inc.:	
spices -----	2546	jelly -----	2479
Stedman Co.:		Wadley Co.:	
tomatoes, canned -----	2463	butter -----	2358
Steensland Oil & Produce Co.:		Weiner, Barney:	
butter -----	2356	eggs, frozen -----	2400
Stein, Leo:		Weinmann, J. F., Milling Co.:	
eggs, frozen -----	2399	corn meal -----	2319
Stiles, R. L., Co.:		White, Sherman, & Co.:	
candy -----	2534	poultry -----	2494
Stokely Bros. & Co., Inc.:		Whitewater Flour Mills Co.:	
tomato catsup -----	2467	flour -----	2305
Stone, L. R., Co.:		Wilson & Co.:	
walnuts -----	2500	butter -----	2340
Stonehill Creamery:		poultry -----	2491
butter -----	2356	Wilson, Lee, & Co.:	
Sunflower Creamery Co.:		flour -----	2312
butter -----	2391	Wolf, W. W.:	
Sure Rise Baking Powder Co.:		cherries, canned -----	2443
spices -----	2546		

<sup>1</sup> Prosecution contested











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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

2551-2825

FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*  
WASHINGTON, D. C., August 24, 1942.

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BEVERAGES AND BEVERAGE MATERIALS

TEA

2551. Misbranding of tea. U. S. v. 14 Cases of Tea. Default decree of condemnation. Product ordered delivered to American Red Cross. (F. D. C. No. 5172. Sample No. 48263-E.)

The packages containing this product were filled to about two-thirds of their capacity.

On July 22, 1941, the United States attorney for the Southern District of Georgia filed a libel against 14 cases of tea at Baxley, Ga., alleging that the article had been shipped in interstate commerce on or about May 21, 1941, by Bowers Bros., Inc., from Richmond, Va.; and charging that it was misbranded. It was labeled in part: "Ring Leader Orange Pekoe and Pekoe Tea."

The article was alleged to be misbranded in that its container was so made and filled as to be misleading since the packages were too large for the amount of tea they contained and the tea did not occupy a reasonable amount of the available space.

On August 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the American Red Cross at Savannah, Ga., for distribution.



## CEREAL PRODUCTS

## FLOUR

Nos. 2552 to 2602, inclusive, report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. The time of infestation was not determined.

**2552. Adulteration of flour. U. S. v. 22 Bags and 22 Bags of Flour. Consent decree of condemnation and destruction with provision for release under bond; product destroyed.** (F. D. C. No. 5297. Sample Nos. 957-E, 958-E.)

On August 2, 1941, the United States attorney for the Middle District of Georgia filed a libel against 44 24-pound bags of flour at Athens, Ga., alleging that the article had been shipped on or about February 28 and October 28, 1940, by Acme Flour Mills Co. from Oklahoma City, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Fancy Short Patent Acme Flour," or "Cherokee Rose Flour."

On August 26, 1941, Talmadge Bros. & Co., Inc., Athens, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation and destruction was entered with provision for release of the product under bond for reworking under the supervision of the Food and Drug Administration. On October 1, 1941, the claimant having failed to pay costs or file bond as provided in the order for release, the product was destroyed.

**2553. Adulteration of flour. U. S. v. 482 Bags, 480 Bags, and 59 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5829, 6078. Sample Nos. 67711-E, 70009-E, 70010-E.)

On September 24 and October 24, 1941, the United States attorneys for the Southern District of Florida and the Western District of Tennessee filed libels against 962 6-pound bags of flour at Jacksonville, Fla., and 59 48-pound bags of flour at Jackson, Tenn., alleging that the article had been shipped within the period from on or about February 25 to on or about June 16, 1941, by Acme Mills or Acme Milling Co. from Hopkinsville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Kentucky Rose Self-Rising Flour," "Sugar Loaf Self-Rising Flour," or "White Moon \* \* \* Flour Self-Rising."

On October 16, 1941, Hagin-Peters Co., Jacksonville, Fla., having appeared as claimant for the product seized at Jacksonville, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed under the supervision of the Food and Drug Administration. On December 1, 1941, no claimant having appeared for the flour seized at Jackson, Tenn., judgment of condemnation was entered and the product was ordered destroyed.

**2554. Adulteration of flour, U. S. v. 138 Bags and 21 Bags of Flour. Decrees of condemnation and destruction.** (F. D. C. Nos. 2473, 6001. Sample Nos. 35084-E, 49855-E.)

On July 31, 1940, and October 9, 1941, the United States attorneys for the Eastern District of Texas and the Southern District of Mississippi filed libels against 138 bags of flour at Jefferson, Tex., and 21 bags of flour at Jackson, Miss., alleging that the article had been shipped in interstate commerce within the period from on or about June 1, 1940, to on or about September 11, 1941, by the Arkansas City Flour Mills Co. from Arkansas City, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden West Flour, Majestic Flour Mill, Aurora, Mo.," or "20% Cut Off Flour."

On January 6, 1941, the claimant for the product seized at Jefferson having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed. On February 5, 1942, no claimant having appeared for the flour seized at Jackson, judgment was entered ordering that the product be destroyed.

**2555. Adulteration of flour. U. S. v. 759 [811] Bags of Flour. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. Nos. 5965, 5966, 5967, 5968. Sample Nos. 35810-E to 35816-E, incl.)

On October 9, 1941, the United States attorney for the Western District of Louisiana filed a libel against 811 bags of flour at Monroe, La., alleging that 176 48-pound bags of the article had been shipped by Buhler Mill & Elevator Co. from Buhler, Kans., on or about July 11 and August 23, 1941, 256 48-pound bags



and 52 96-pound bags by the Arkansas City Flour Mills Co. from Arkansas City, Kans., on or about April 13 and 28, June 4, and September 2, 1941, 100 24-pound bags and 36 48-pound bags by the Quaker Oats Co. from St. Joseph, Mo., on or about April 17 and July 16, 1941, and 131 24-pound bags and 60 48-pound bags by Yukon Mill & Grain Co. from Yukon, Okla., on or about August 7 and 22, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bleached Flour Justrite Fancy Short Patent Flour Self-Rising," "A No. 1 Bleached Flour," "A No. 1 Bleached Flour \* \* \* Self-Rising," "Quaker Flour Bleached," or "Yukon's Best Flour \* \* \* Self-Rising."

On November 5, 1941, Drew Grocer Co., Monroe, La., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently it was denatured by adding lamp black thereto for use in the preparation of animal feed.

**2556. Adulteration of flour. U. S. v. 49 Sacks of Flour (and 3 other seizure actions against flour). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5064, 5162, 5376, 5639. Sample Nos. 37889-E, 48152-E, 48506-E, 49781-E, 49782-E.)

On or about July 17 and August 23 and on September 10, 1941, the United States attorneys for the Northern District of Florida, Northern District of Georgia, and the Eastern District of South Carolina filed libels against the following quantities of flour: 49 12-pound sacks at Tallahassee and 114 24-pound bags and 67 48-pound bags at Pensacola, Fla.; 68 12-pound sacks, 40 24-pound sacks, and 8 48-pound sacks at Atlanta, Ga.; and 32 48-pound bags and 24 96 pound bags at Florence, S. C., alleging that the article had been shipped in interstate commerce within the period from on or about October 5, 1940, to on or about August 6, 1941, by Ballard & Ballard Co., Inc. (one shipment was made in the name of O. K. Mills), from Thomasville, Ga., and Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Ballard's Self Rising Obelisk Flour Bleached"; "Jersey Bleached Self-Rising Flour"; "Pioneer Old Hickory Fancy Patent Flour Self-Rising Bleached"; or "Circle C Bleached Self-Rising Flour."

On August 29, September 21 and 22, and November 8, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2557. Adulteration of flour. U. S. v. 157 Bags and 39 Bags of Flour. Consent decree of condemnation. Product ordered released under bond for salvaging.** (F. D. C. No. 5681. Sample Nos. 62182-E, 62183-E.)

On September 15, 1941, the United States attorney for the Northern District of Illinois filed a libel against 196 bags, each containing 100 pounds, of flour at Chicago, Ill., alleging that the article had been shipped on or about December 20, 1940, by Birkett Mills from Penn Yan, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "White [or "Standard"] BW Flour."

On October 28, 1941, Anchor Mills, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. It was subsequently denatured.

**2558. Adulteration of flour. U. S. v. 19 Bags of Flour (and 4 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond to be denatured into animal feed; remainder ordered destroyed.** (F. D. C. Nos. 5325, 5326, 5805, 5859, 5914. Sample Nos. 963-E, 969-E, 39961-E, 39969-E to 39974-E, incl., 67467-E.)

Between August 5 and October 13, 1941, the United States attorneys for the Middle District of Georgia, Eastern and Western Districts of Missouri, and the Eastern District of Arkansas filed libels against the following quantities of flour: 19 96-pound bags and 14 48-pound bags at Royston, Ga.; 76 48-pound bags at Rolla, and 104 48-pound bags and 357 24-pound bags at Springfield, Mo.; and 75 48-pound bags at Blytheville, Ark., alleging that the article had been shipped within the period from on or about January 9 to on or about September 10, 1941, by the Blair Milling Co. from Atchison, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Snow Lake High Patent Flour"; "Bleached Blair's Best Flour"; "Bleached \* \* \* Self-Rising Flour Blair's Certified 'Flour Extraordinary'"; "Bleached Blair's Best Flour Extraordinary"; "Bleached Blair's Certified Flour Extraordinary"; or "Bleached White Fox Extra High Patent Flour."



On November 18 and 25 and December 19, 1941, no claimant having appeared for the product seized at Royston, Rolla, and Blytheville, judgments of condemnation were entered and the product was ordered destroyed. On February 27, 1942, the claimant for the flour seized at Springfield having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed.

**2559. Adulteration of flour. U. S. v. 98 Bags of Flour. Consent decree of destruction.** (F. D. C. No. 2512. Sample No. 28710-E.)

This product had been stored under insanitary conditions after shipment and when examined was found to contain rodent hairs and rodent excreta.

On August 8, 1940, the United States attorney for the Western District of Virginia filed a libel against 98 bags of flour at Bluefield, Va., alleging that the article had been shipped in interstate commerce on or about April 2, 1940, by Bowersock Mills & Power Co., from Lawrence, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "World's-Best Flour."

On February 14, 1942, the claimant for the product having admitted the allegations of the libel, judgment was entered ordering that the 19 bags of the product which had been seized be destroyed.

**2560. Adulteration of flour. U. S. v. 278 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5439. Sample Nos. 49678-E, 49679-E.)

On August 23, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 278 98-pound bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by Canadian Mill & Elevator Co. from El Reno, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On September 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2561. Adulteration of flour. U. S. v. 233 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5839. Sample Nos. 48092-E, 48093-E.)

On September 24, 1941, the United States attorney for the Middle District of Georgia filed a libel against 21 24-pound bags, 42 20-pound bags, 109 12-pound bags, and 61 10-pound bags of flour at Thomasville, Ga., alleging that the article had been shipped on or about June 26, July 16 and 29, and August 21, 1941, by the Cape County Milling Co. from Jackson, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Bags) "Gold Leaf Self-Rising Flour," or "Cape County Roller Mills Gold Leaf Flour."

On October 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2562. Adulteration of flour. U. S. v. 45 Bags and 53 Bags of Flour (and 1 other seizure action against flour). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed.** (F. D. C. Nos. 5808, 5964. Sample Nos. 49851-E, 49852-E, 67373-E, 67374-E.)

On September 20 and on or about October 24, 1941, the United States attorneys for the Western District of Tennessee and the Northern District of Mississippi filed libels against 45 48-pound bags and 53 24-pound bags of flour at Memphis, Tenn., and 262 24-pound bags and 37 48-pound bags of flour at Tupelo, Miss., alleging that the article had been shipped in interstate commerce within the period from on or about April 2 to on or about July 22, 1941, by the Chickasha Milling Co. from Chickasha, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Play Day All Purpose Family Flour Bleached"; "Victor Flour Bleached"; or "Bleached [or "Bleached \* \* \* Self-Rising"] Mother's Belle Fancy Patent Flour Milled Expressly for J. J. Rogers & Sons Tupelo, Miss."

On October 27, 1941, no claimant having appeared for the portion of the product seized at Memphis, judgment of condemnation was entered and the product was ordered destroyed. On October 28, 1941, J. J. Rogers & Sons, claimant for the flour seized at Tupelo, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed under the supervision of the Food and Drug Administration.



**2563. Adulteration of flour. U. S. v. 20 Bags of Flour (and 2 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond to be reworked; remainder ordered destroyed.** (F. D. C. Nos. 5327, 5462, 5628. Sample Nos. 968-E, 48285-E, 48291-E, 49718-E to 49720-E, incl.)

On August 5 and 28 and September 10, 1941, the United States attorneys for the Middle and Northern Districts of Georgia and the Northern District of Florida filed libels against the following quantities of flour: 20 48-pound bags at Royston, and 75 48-pound bags and 105 24-pound bags at La Grange, Ga.; and 884 24-pound bags and 296 12-pound bags at Pensacola, Fla., alleging that the article had been shipped within the period from on or about July 9, 1940, to on or about May 5, 1941, by Dunlop Milling Co., Inc., from Clarksville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Mary Jane Flour (Plain)"; "Beauty Self Rising Flour Bleached"; "Mary Jane Flour \* \* \* Bleached \* \* \* Self-Rising"; or "Beauty Self-Rising [or "Plain"] Flour \* \* \* Bleached."

On September 27, 1941, Culpepper & Son, La Grange, Ga., claimant for the product seized at La Grange, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration. On November 8 and 25, 1941, no claimant having appeared for the flour seized at Royston and Pensacola, judgments of condemnation were entered and the product was ordered destroyed.

**2564. Adulteration of flour. U. S. v. 234 Bags of Flour. Consent decree of condemnation. Product ordered released under bond conditioned that it be denatured.** (F. D. C. Nos. 5305, 5306. Sample Nos. 49683-E, 49685-E.)

On August 5, 1941, the United States attorney for the Northern District of Alabama filed a libel against 234 bags of flour at Birmingham, Ala., alleging that 171 bags had been shipped on or about April 30 and May 16, 1941, by General Mills, Inc., from Louisville, Ky., and that 63 bags had been shipped on or about July 3, 1941, by the Eisenmayer Milling Co. from Springfield, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "98 Lbs. Bleached Flour Queen High Patent," or "24 Lbs. White Peak Bleached Self-Rising Flour."

On August 21, 1941, judgment of condemnation was entered and the product was ordered delivered under bond to the Overton-Kennedy Flour & Grain Co., Birmingham, Ala., claimant, conditioned that it be denatured so that it could not be diverted to human use.

**2565. Adulteration of flour. U. S. v. 20 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5301. Sample No. 22724-E.)

On August 20, 1941, the United States attorney for the Northern District of California filed a libel against 20 98-pound sacks of flour at Stockton, Calif., alleging that the article had been shipped in interstate commerce on or about April 23 and 24, 1941, by Fisher Flouring Mills Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Sacks) "Fisher's Special Entire Wheat Flour."

On December 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2566. Adulteration of flour. U. S. v. 155 Bags of Flour (and 4 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond for use as animal feed; remainder ordered destroyed.** (F. D. C. Nos. 5265, 5291, 5358, 5365, 5381. Sample Nos. 962-E, 976-E, 48063-E, 49663-E, 49669-E.)

Between August 1 and 16, 1941, the United States attorneys for the Southern District of Florida, Middle District of Georgia, Western District of South Carolina, and Eastern District of Louisiana filed libels against 155 bags of flour at Tampa, Fla., 211 bags of flour at Athens, Ga., 20 bags of flour at Anderson, S. C., and 298 sacks of flour at Baton Rouge, La., alleging that the article had been shipped in interstate commerce within the period from on or about August 7, 1940, to on or about June 7, 1941, by General Mills, Inc., from Oklahoma City, Okla., Louisville, Ky., Johnson City, Tenn., and Wichita Falls, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled variously: (Bags) "Washburn Crosby Flour Washburn's Gold Medal Bleached"; "Lucky 7 Flour \* \* \* Self-Rising"; "Red Band Highest Quality \* \* \* Self-Rising"; and "Pure Gold Flour."



On August 26 and September 12, 1941, Robertson Hennington Co., Tampa, Fla., and Webb-Crawford Co., Inc., Athens, Ga., having filed respective claims for the lots seized in those cities and having admitted the allegations of the libels filed therein, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be denatured for use as animal feed. On September 19 and 25, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were ordered destroyed.

**2567. Adulteration of flour. U. S. v. 25 Bags and 57 Bags of Flour (and 3 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed.** (F. D. C. Nos. 5456, 5841, 5891, 6106. Sample Nos. 39967-E, 48289-E, 48290-E, 49951-E to 49953-E, incl., 74539-E.)

Between August 26 and October 31, 1941, the United States attorneys for the Northern District of Georgia, Southern District of Mississippi, Western District of Missouri, and the District of New Jersey filed libels against the following quantities of flour: 25 24-pound bags and 57 12-pound bags at La Grange, Ga.; 5 96-pound bags, 28 48-pound bags, 316 24-pound bags, and 186 12-pound bags at Meridian, Miss.; 40 24-pound bags at Springfield, Mo.; and 32 98-pound bags at Irvington, N. J., alleging that the article had been shipped within the period from on or about March 6, 1940, to on or about July 19, 1941, by Kansas Milling Co. from Wichita, Kans., and Marion, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Silk Floss Plain Flour [or "Cake Flour" or "Self-Rising Flour"]"; "Southern Lily Flour Bleached \* \* \* Plain [or "Self-Rising"]"; "Cotton Patch Flour Bleached \* \* \* Self-Rising"; or "Lipscomb's \* \* \* Bleached."

On September 27, 1941, Culpepper & Son, La Grange, Ga., claimant for the product seized at La Grange, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. On February 27, 1942, the claimant for the flour seized at Springfield having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed. On January 29 and March 17, 1942, no claimant having appeared for the product seized at Meridian and Irvington, judgments of condemnation were entered and the product was ordered destroyed.

**2568. Adulteration of flour. U. S. v. 228 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured into animal feed.** (F. D. C. No. 5969. Sample No. 67661-E.)

On or about October 13, 1941, the United States attorney for the Western District of Missouri filed a libel against 228 24-pound bags of flour at Mountain Grove, Mo., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by K. B. R. Milling Co. from McPherson, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Lily Loaf Kansas Hard Wheat Flour."

On February 27, 1942, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed.

**2569. Adulteration of flour. U. S. v. 61 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5631. Sample No. 48518-E.)

On September 8, 1941, the United States attorney for the Western District of North Carolina filed a libel against 61 24-pound bags of flour at Morganton, N. C., alleging that the article had been shipped on or about February 24, 1941, by the Lakeview Milling Co. from Chambersburg, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Cream of the Lake Winter Patent Flour \* \* \* Bleached."

On December 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2570. Adulteration of flour. U. S. v. 46 Bags of Flour. Consent decree of condemnation and destruction.** (F. D. C. No. 5913. Sample Nos. 73426-E, 73427-E.)

On October 15, 1941, the United States attorney for the District of Kansas filed a libel against 46 98-pound bags of flour at Pittsburg, Kans., alleging that the article had been shipped on or about March 25 and May 31, 1941, by Larabee



Flour Mills Co., from Kansas City, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On November 12, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

**2571. Adulteration of flour. U. S. v. 11 Bags, 31 Bags, and 20 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5397, 5598, 5606. Sample Nos. 48293-E, 48294-E, 48507-E.)

On or about August 26, and on August 30 and September 6, 1941, the United States attorneys for the Eastern District of South Carolina and the Northern District of Georgia filed libels against 11 96-pound bags of flour at Darlington, S. C., and 31 48-pound bags at Bowdon and 20 48-pound bags at Cornelia, Ga., alleging that the article had been shipped in interstate commerce on or about March 15, May 1, and July 25, 1941, by Lexington Roller Mills, Inc., from Lexington, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Kentucky Queen High Quality Self-Rising Flour Bleached"; "Blue Grass Queen Self Rising Flour"; or "Soft Wheat Flour Bleached \* \* \* Blue Grass Queen."

On October 6 and 22 and November 10, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2572. Adulteration of flour. U. S. v. 42 Bags and 64 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured into animal feed.** (F. D. C. No. 5860. Sample No. 39962-E.)

On or about September 30, 1941, the United States attorney for the Western District of Missouri filed a libel against 42 48-pound bags and 64 24-pound bags of flour at Springfield, Mo., alleging that the article had been shipped on or about August 22, 1941, by J. C. Lysle Milling Co. from Leavenworth, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "White Eagle Flour."

On February 27, 1942, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed.

**2573. Adulteration of flour. U. S. v. 241 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 5414. Sample No. 66401-E.)

On August 22, 1941, the United States attorney for the Northern District of Illinois filed a libel against 241 140-pound bags of flour at Chicago, Ill., alleging that the article had been shipped on or about June 20, 1941, by Moore-Lowry Flour Mills Co. from Coffeyville, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Flinthead Flour Bleached."

On October 14, 1941, Rytina Baking Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and sold for use other than human consumption under the supervision of the Food and Drug Administration.

**2574. Adulteration of flour. U. S. v. 64 Sacks and 275 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5642, 6010. Sample Nos. 49623-E, 67362-E.)

On September 9 and October 9, 1941, the United States attorneys for the Western District of Tennessee and the Eastern District of Louisiana filed libels against 64 98-pound sacks of flour at Memphis, Tenn., and 275 24-pound bags of flour at Morgan City, La., alleging that the article had been shipped in interstate commerce on or about June 16 and August 15, 1941, by Morten Milling Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Sunny Texas Our Best Hi Gluten Bakers Flour," or "Magnolia Flour Bleached."

On October 1, 1941, Morten Milling Co., claimant for the product seized at Memphis, Tenn., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal food under the supervision of the Food and Drug Administration. On November 22, 1941, no claimant having appeared for the flour seized at Morgan City, La., judgment of condemnation was entered and the product was ordered destroyed.



**2575. Adulteration of flour. U. S. v. 21 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5592. Sample No. 48292-E.)

On August 30, 1941, the United States attorney for the Northern District of Georgia filed a libel against 21 48-pound bags of flour at La Grange, Ga., alleging that the article had been shipped on or about July 11, 1941, by Nampa Milling & Elevator Co. from Nampa, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Self-Rising Flour Pride of Idaho."

On November 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2576. Adulteration of flour. U. S. v. 25 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5743. Sample No. 49356-E.)

On or about September 20, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 25 bags of flour at Hattiesburg, Miss., alleging that the article had been shipped in interstate commerce on or about August 14, 1941, by the Thomas Page Mill Co. from Topeka, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Banquet Cut-Off."

On April 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2577. Adulteration of flour. U. S. v. 28 Bags of Flour (and 11 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5101, 5139, 5195, 5224, 5421, 5422, 5444, 5607, 5830, 5840, 5915, 6193. Sample Nos. 37343-E, 39978-E, 48058-E, 48180-E to 48184-E, incl., 48296-E, 49428-E, 49430-E, 67930-E, 70011-E, 70012-E, 70104-E.)

Between July 7 and November 8, 1941, the United States attorneys for the Southern District of Florida, Southern District of Texas, Northern District of Georgia, Western District of North Carolina, Western District of Missouri, and the Eastern District of Arkansas filed libels against the following amounts of flour: 28 48-pound bags at Miami, and 134 98-pound bags, 95 20-pound bags, and 285 10-pound bags at Jacksonville, Fla.; 142 98-pound bags at Houston, Tex.; 20 98-pound bags at Atlanta, and 110 24-pound sacks at Cornelia, Ga.; 94 98-pound bags at Charlotte, N. C.; 7 98-pound bags at Springfield, Mo.; and 75 98-pound bags at North Little Rock, Ark., alleging that the article had been shipped within the period from on or about February 4 to on or about August 12, 1941, by Pillsbury Flour Mills Co. from Memphis, Tenn., Enid, Okla., Springfield, Ill., and Atchison, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pillsbury's Pure Dark Rye Flour"; "Pillsbury's Gilt Edge Flr Blehd"; "Milano Semolina No. 1"; "Protector Flour Bleached"; "Pillsbury's Hotel and Restaurant H R Flour Bleached"; "Pillsbury's Sunnygrain Flour Bleached"; "Pillsbury's Best XXX Flour Bleached"; "Enriched [or "Enriched with Vitamins and Iron \* \* \*"] Self-Rising Pillsbury's Best XXXX [or "XXX"] Flour Bleached"; "Swanee Bloom Family Flour Bleached"; "Pillsbury's XXXX Patent Flour"; or "Pillsbury's GLB FLR For Selfrising."

On August 22 and October 16, 1941, and on February 19, 1942, Paradies & Rich, Atlanta, Ga., having appeared as claimant for the flour seized at Atlanta; Hagin-Peters Co., Jacksonville, Fla., having appeared as claimant for 76 bags of flour seized at Jacksonville; and Globe Mills, North Little Rock, Ark., having appeared as claimant for the flour seized at North Little Rock, judgments of condemnation were entered and the product was ordered released under bond to be denatured into animal feed under the supervision of the Food and Drug Administration. On February 27, 1942, the claimant for the flour seized at Springfield having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed. Between August 22 and December 4, 1941, no claimant having appeared for the remainder of the flour seized at Jacksonville nor for the seizures at Miami, Houston, Cornelia, and Charlotte, judgments of condemnation were entered and the product was ordered destroyed.

**2578. Adulteration of flour. U. S. v. 25 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5465. Sample No. 67403-E.)

On or about June 30, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 25 bags of flour at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about April 22, 1941, by the R. E. Powell Grocery Co. from Kennett, Mo.; and charging that it



was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Tag) "Manufactured By Standard Milling Company \* \* \* Red Turk Bleached Flour 98 Lbs. Net."

On September 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2579. Adulteration of flour. U. S. v. 18 Bags, 124 Bags, and 30 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured into animal feed; remainder ordered destroyed.** (F. D. C. Nos. 5930, 5987. Sample Nos. 39980-E, 39983-E, 39986-E.)

On or about October 11 and 13, 1941, the United States attorney for the Western District of Missouri filed libels against 142 98-pound bags of flour at Springfield, and 30 98-pound bags of flour at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about August 9 and 14 and September 3, 1941, by Red Star Milling Co. (General Mills, Inc.) from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Star Way Flour 100% Whole Wheat Flour Bleached."

On January 14, 1942, no claimant having appeared for the flour seized at Joplin, judgment of condemnation was entered and the product was ordered destroyed. On February 27, 1942, the claimant for the flour seized at Springfield having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed.

**2580. Adulteration of flour. U. S. v. 41 Sacks of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 6029. Sample No. 64180-E.)

On October 16, 1941, the United States attorney for the Northern District of Ohio filed a libel against 41 98-pound sacks of flour at Warren, Ohio, alleging that the article had been shipped in interstate commerce on or about July 11 and 15, 1941, by Nathan Rosenblum from Sharon, Pa.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Vista Family Flour Bleached Manufactured By Russell-Miller Milling Co. \* \* \* Minneapolis, Minn."

On November 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2581. Adulteration of flour. U. S. v. 41 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 5244. Sample No. 49681-E.)

On July 30, 1941, the United States attorney for the Middle District of Alabama filed a libel against 41 98-pound bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about June 14, 1941, by Russell-Miller Milling Co. from Minneapolis, Minn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On September 15, 1941, Capital Grain & Feed Co., Montgomery, Ala., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration so that it could not be disposed of for human consumption but might be used in an iron foundry in making molds and forms.

**2582. Adulteration of flour. U. S. v. 240 Bags and 723 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond to be denatured.** (F. D. C. Nos. 5906, 6072. Sample Nos. 35801-E, 50000-E, 83961-E to 83963-E, incl.)

On September 27 and October 29, 1941, the United States attorneys for the Eastern District of Louisiana and the Western District of Texas filed libels against 240 bags of flour at Baton Rouge, La., and 723 bags of flour at San Antonio, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about March 3 to on or about September 6, 1941, by Shawnee Milling Co. from Shawnee, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Bleached Flour The Baker's Pipe of Peace"; "Mothers Best Flour"; "Golden Rule Flour"; "Golden Crust Flour"; or "Flour Magnolia Extra High Patent."

On October 29 and December 8, 1941, Shawnee Milling Co., claimant for the product seized at Baton Rouge, and Star Grain & Elevator Co., San Antonio, Tex., claimant for the flour seized at San Antonio, having admitted the allegations of the libels, judgments of condemnation were entered and the product



was ordered released under bond to be denatured under the supervision of the Food and Drug Administration. The product seized at San Antonio was also ordered relabeled.

**2583. Adulteration of flour. U. S. v. 40 Bags, 30 Bags, 35 Bags, and 120 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured into animal feed.** (F. D. C. Nos. 5889, 5890. Sample Nos. 39963-E to 39966-E, incl.)

On or about October 13, 1941, the United States attorney for the Western District of Missouri filed a libel against 160 24-pound bags and 65 48-pound bags of flour at Springfield, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about September 12, 1940, to on or about August 1, 1941, by Shellabarger Mill & Elevator Co. from Salina, Kans., and Cotter, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Silvermist Flour" or "Shellabarger's Queen Flour."

On February 27, 1942, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed.

**2584. Adulteration of flour. U. S. v. 58 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5213. Sample No. 37672-E.)

On July 29, 1941, the United States attorney for the Eastern District of South Carolina filed a libel against 58 98-pound bags of flour at Charleston, S. C., alleging that the article had been shipped on or about March 26, 1941, by J. Allen Smith Co. from Knoxville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Winner Flour Bleached."

On December 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2585. Adulteration of flour. U. S. v. 25 Bags and 264 Bags of Flour. Default decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5838, 5957. Sample Nos. 48709-E, 59438-E.)

On September 27 and October 3, 1941, the United States attorneys for the Southern District of Florida and the Eastern District of Virginia filed libels against 25 96-pound bags of flour at Tampa, Fla., and 264 98-pound bags of flour at Norfolk, Va., alleging that the article had been shipped on or about March 21 and 23, 1941, by Sperry Flour Co. (Western Division of General Mills, Inc.) from San Francisco, Calif., and Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Big Sun Soft Wheat Flour Bleached \* \* \* Southwide Flour Company"; or "Cameo Flour Unbleached."

On October 24, 1941, no claimant having appeared for the seizure at Tampa, judgment of condemnation was entered and the product was ordered destroyed. On November 19, 1941, General Mills, Inc., claimant for the seizure at Norfolk, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed under the supervision of the Food and Drug Administration.

**2586. Adulteration of flour. U. S. v. 252 Bags and 180 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be reworked; remainder ordered destroyed.** (F. D. C. Nos. 5629, 5807. Sample Nos. 48297-E to 48300-E, incl., 48901-E, 67472-E, 67473-E.)

On or about September 16 and on October 1, 1941, the United States attorneys for the Northern District of Georgia and the Eastern District of Arkansas filed libels against 173 24-pound bags and 79 48-pound bags of flour at Cornelia, Ga., and 138 24-pound bags and 42 48-pound bags of flour at Jonesboro, Ark., alleging that the article had been shipped in interstate commerce within the period from on or about March 3 to on or about September 5, 1941, by Springfield Flour Mills from Springfield, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Little Miss Flour"; "Bleached Puritan Flour"; "Bleached Fancy Short Patent Southern Lily Flour [or "Self Rising Flour"]"; or "Bleached Self-Rising Snow Crest Flour."

On September 19, 1941, C. M. Miller Co., Inc., Cornelia, Ga., claimant for the product seized at Cornelia, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration;



subsequently it was denatured for use as a hog feed concentrate. On December 16, 1941, no claimant having appeared for the seizure at Jonesboro, judgment of condemnation was entered and the product was ordered destroyed.

**2587. Adulteration of flour. U. S. v. 49 Bags and 116 Sacks of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5413, 5671. Sample Nos. 64161-E, 66402-E.)

On August 22 and September 10, 1941, the United States attorneys for the Northern District of Illinois and the Western District of Pennsylvania filed libels against 49 140-pound bags of flour at Chicago, Ill., and 116 98-pound sacks of flour at Clearfield, Pa., alleging that the article had been shipped in interstate commerce on or about May 14 and June 28, 1941, by the Standard Milling Co. from Buffalo, N. Y., and Kansas City, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Citadel Flour Bleached," or "Super Ceresota Flour Bleached."

On October 6, 1941, no claimant having appeared for the flour seized at Clearfield, Pa., judgment of condemnation was entered and the product was ordered destroyed. On October 14, 1941, Rytina Baking Co., Chicago, Ill., claimant for the portion of the product seized at Chicago, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured and sold for use other than human consumption under the supervision of the Food and Drug Administration.

**2588. Adulteration of flour. U. S. v. 8 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5342. Sample No. 59246-E.)

On August 15, 1941, the United States attorney for the Eastern District of North Carolina filed a libel against 8 98-pound bags of flour at Rocky Mount, N. C., alleging that the article had been shipped on or about June 26, 1941, by Valley City Milling Co., Portland, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Roller Champion Rowena Self-Rising Flour Bleached."

On October 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2589. Adulteration of flour. U. S. v. 140 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 5196. Sample No. 37890-E.)

On or about July 21, 1941, the United States attorney for the Northern District of Georgia filed a libel against 140 96-pound bags of flour at Atlanta, Ga., alleging that the article had been shipped on or about March 24 and May 16, 1941, by Waggoner-Gates Milling Co. from Independence, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Howard Patent Roller Process Winter Wheat Flour."

On August 22, 1941, Paradies & Rich, Atlanta, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. Subsequently it was denatured so that it could not be used for human consumption.

**2590. Adulteration of flour. U. S. v. 67 Bags and 110 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5063, 5321. Sample Nos. 37879-E, 49200-E.)

On or about July 17 and on August 6, 1941, the United States attorneys for the Northern District of Florida and the Middle District of Alabama filed libels against 67 12-pound bags of flour at Marianna, Fla., and 110 98-pound bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about April 2 and June 12, 1941, by Wall-Rogalsky Milling Co. from McPherson, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "America's Best Flour," or "Special Bakers Patent Utility Flour."

On September 15, 1941, Capital Grain & Feed Co., Montgomery, Ala., claimant for the product seized at Montgomery, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and disposed of to an iron foundry for nonfood purposes. On



September 22, 1941, no claimant having appeared for the seizure at Marianna, Fla., judgment of condemnation was entered and the product was ordered destroyed.

**2591. Adulteration of flour. U. S. v. 62 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 6067. Sample No. 67712-E.)

On October 23, 1941, the United States attorney for the Western District of Tennessee filed a libel against 62 24-pound bags of flour at Jackson, Tenn., alleging that the article had been shipped in interstate commerce on or about August 5 and 28, 1941, by Walnut Creek Milling Co. from Great Bend, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Snow Fairy Flour."

On December 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2592. Adulteration of flour. U. S. v. 20 Bags and 35 Bags of Flour. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5380, 5451. Sample Nos. 49668-E, 49680-E.)

On August 16 and 26, 1941, the United States attorney for the Eastern District of Louisiana filed libels against 55 98-pound bags of flour at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about July 7 and 28, 1941, by Whaley Mill & Elevator Co. from Gainesville, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On September 25 and December 13, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2593. Adulteration of flour. U. S. v. 17 Bags, 68 Bags, and 30 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured into animal feed; remainder ordered destroyed.** (F. D. C. Nos. 5892, 5994. Sample Nos. 39968-E, 67662-E.)

On or about October 13 and 14, 1941, the United States attorneys for the Western and the Eastern Districts of Missouri filed libels against 17 98-pound bags of flour at Springfield, and 68 24-pound bags and 30 48-pound bags of flour at Winona, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about January 21 to on or about August 12, 1941, by Wichita Flour Mills Co. from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bleached Flour Sunny Kansas," or "Kansas Expansion Flour Bleached."

On February 27, 1942, the claimant for the flour seized at Springfield having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed. On April 16, 1942, no claimant having appeared for the flour seized at Winona, judgment of condemnation was entered and the product was ordered destroyed.

**2594. Adulteration of flour. U. S. v. 151 Bags and 80 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured into animal feed.** (F. D. C. No. 5893. Sample Nos. 39976-E, 39977-E.)

On or about October 13, 1941, the United States attorney for the Western District of Missouri filed a libel against 151 24-pound bags and 80 48-pound bags of flour at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about August 27, 1941, by the Wolf Milling Co. from Ellinwood, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Bleached Gold Rooster Flour."

On February 27, 1942, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed.

**2595. Adulteration of flour. U. S. v. 1,154 and 160 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5191, 5193. Sample Nos. 37666-E to 37669-E, incl., 48167-E, 48168-E.)

On July 22, 1941, the United States attorney for the Southern District of Georgia filed libels against 1,154 bags of flour at Augusta, Ga., and 160 bags of flour at Statesboro, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about April 8 to on or about June 11, 1941, by Yukon Mill & Grain Co. from Yukon, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Yukon's Queen of the West Self-Rising Flour"; or "Yukon's Best Self-Rising Flour."



On November 19, 1941, the Yukon Mill & Grain Co., Inc., claimant for the lot seized at Statesboro, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed. On November 24, 1941, McElmurray & Co., Augusta, Ga., claimant for the lot seized at Augusta, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be mixed with other ingredients so that it could not be used for human consumption but might be used for animal feed.

**2596. Adulteration of pancake flour and cookies. U. S. v. 3 Cases of Flour and 9 Cases of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 5396. Sample Nos. 62838-E, 62839-E.)**

On August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 3 cases each containing 24 boxes of flour and 9 cases each containing 18 boxes of cookies at Chicago, Ill., alleging that the articles had been shipped on or about May 17 and June 14, 1941, by Mrs. Hauser's Food Products Co. from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: (Flour, boxes) "1 Lb. 4 Oz. Mrs. Hauser's Recipe Soy Brand Hot Cake and Waffle Prepared Flour"; or (cookies, boxes) "12 Oz. Mrs. Hauser's Recipe Soy Brand \* \* \* Cookies."

On October 15, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2597. Adulteration of flour. U. S. v. 53 Bags of Whole Wheat Flour. Consent decree of condemnation. Product ordered released under bond to be denatured into animal feed. (F. D. C. No. 5916. Sample No. 39979-E.)**

On or about October 11, 1941, the United States attorney for the Western District of Missouri filed a libel against 53 unlabeled bags, each containing 98 pounds, of whole wheat flour at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about August 8, 1941, by the Moundridge Milling Co. from Moundridge, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On February 27, 1942, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured into animal feed.

**2598. Adulteration of flour. U. S. v. 40 Bags of Flour and 10 Bags of Rye Flour. Default decree of condemnation and destruction. (F. D. C. No. 5676. Sample Nos. 59028-E, 59029-E.)**

On September 11, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 50 98-pound bags of flour at Norfolk, Va., alleging that the article had been shipped on or about April 12 and May 19, 1941, by Commercial Milling Co. from Detroit, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Chief Pontiac Flour Bleached," or "Henkel's Pure Dark Rye Flour."

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2599. Adulteration of rye graham flour. U. S. v. 44 Bags and 9 Bags of Rye Graham Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 5352, 6094. Sample Nos. 69589-E, 74527-E.)**

The flour in both lots contained rodent hairs and rodent excreta fragments. In addition, the flour in one lot contained insect fragments and that in the other contained miscellaneous filth fragments.

On August 14 and November 5, 1941, the United States attorney for the Southern District of New York filed libels against 53 98-pound bags of rye graham flour at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 18 and September 15, 1941, by Gross Bros., Inc., from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Rye Graham 100% Pure Rye."

On September 10 and December 3, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2600. Adulteration of rye flour. U. S. v. 235 Bags of Rye Flour. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 5452. Sample No. 66404-E.)**

On August 29, 1941, the United States attorney for the Northern District of Illinois filed a libel against 235 bags, each containing 140 pounds, of rye flour at Chicago, Ill., alleging that the article had been shipped by Frank Jaeger



Milling Co. from Astico, Wis., on or about May 22, 1941; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 9, 1941, Chicago Bakers Buying Association, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The product was denatured and disposed of for purposes other than human consumption.

**2601. Adulteration of rye graham flour. U. S. v. 46 Bags of Rye Graham Flour. Default decree of condemnation and destruction. (F. D. C. No. 5344. Sample No. 69588-E.)**

Examination showed that this product contained rodent hairs, rodent excreta, and insect fragments.

On August 11, 1941, the United States attorney for the Southern District of New York filed a libel against 46 98-pound bags of flour at New York, N. Y., alleging that the article had been shipped on or about July 15, 1941, by A. Katz, Etra Mills, from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Rye Graham Flour."

On September 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2602. Adulteration of rice flour. U. S. v. 26 Bags of Rice Flour. Default decree of condemnation and destruction. (F. D. C. No. 5963. Sample No. 69882-E.)**

On October 8, 1941, the United States attorney for the Southern District of New York filed a libel against 26 bags, each containing 100 pounds, of rice flour at New York, N. Y., alleging that the article had been shipped on or about March 29, 1941, by Stein Hall & Co., Inc., Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Hallmark Rice Flour."

On October 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2603. Adulteration of barley flour. U. S. v. 34 Bags of Barley Flour. Consent decree of condemnation and destruction. (F. D. C. No. 5931. Sample No. 43517-E.)**

On October 14, 1941, the United States attorney for the District of Kansas filed a libel against 34 bags, each containing 100 pounds, of barley flour at Kansas City, Kans., alleging that the article had been shipped on or about August 6, 1941, by H. C. Knoke & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 1, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2604 to 2615 report the seizure and disposition of flour that after shipment had been stored under insanitary conditions, and was contaminated with filth such as insects and insect fragments and/or rodent hairs or excreta. The flour had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time the above conditions were found.

**2604. Adulteration of flour. U. S. v. 21 Bags, 24 Bags, and 12 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 5776. Sample Nos. 67457-E to 67459-E, incl.)**

On September 19, 1941, the United States attorney for the Western District of Tennessee filed a libel against 21 24-pound bags and 36 48-pound bags of flour at Obion, Tenn., alleging that the article had been shipped in interstate commerce on or about March 31, 1941, by Abilene Flour Mills Co. from Abilene, Kans.; and charging that it was adulterated. It was labeled in part: "Lite Flake Flour \* \* \* Bleached," or "Tastee Biscuit Bleached Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2605. Adulteration of flour. U. S. v. 215 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 5610. Sample No. 67409-E.)

On September 2, 1941, the United States attorney for the Eastern District of Arkansas filed a libel (amended September 10, 1941) against 215 140-pound bags of flour at North Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about May 1, 1941, by Enns Milling Co. from Inman, Kans.; and charging that it was adulterated in that it consisted in whole and/or in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On September 29, 1941, Pillsbury Flour Mills Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration so that it could not be used for human consumption.

**2606. Adulteration of flour. U. S. v. 20 Bags of Flour. Consent decree of condemnation. Product ordered released under cash bond.** (F. D. C. No. 5688. Sample No. 59576-E.)

On September 11, 1941, the United States attorney for the District of Maryland filed a libel against 20 98-pound bags of flour at Baltimore, Md., alleging that the article had been shipped on or about June 14, 1941, by Federal Mill, Inc., from Lockport, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "First Clear Rawhide Flour Bleached."

On October 10, 1941, Belt's Wharf Warehouses, Inc., Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under cash bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. On October 20, 1941, the product was denatured for use in making stock feed, and rebagged.

**2607. Adulteration of flour. U. S. v. 183 Bags of Flour. Default decree of destruction.** (F. D. C. No. 5935. Sample No. 59655-E.)

On October 3, 1941, the United States attorney for the Northern District of West Virginia filed a libel against 183 12-pound bags of flour at Parkersburg, W. Va., alleging that the article had been shipped on or about January 23, 1941, by Gwinn Mills Co. from Columbus, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Bleached Peerless Flour \* \* \* The Peerless Milling Co. Parkersburg, W. Va."

On December 5, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2608. Adulteration of flour. U. S. v. 81 Sacks, 33 Bags, and 18 Bags of Flour. Decrees of condemnation. Portion of product ordered released under bond to be denatured; remainder ordered destroyed.** (F. D. C. Nos. 5217, 5751. Sample Nos. 48905-E, 48906-E, 49193-E.)

On July 25 and September 16, 1941, the United States attorneys for the Middle District of Alabama and the Northern District of Georgia filed libels against 81 140-pound sacks of flour at Dothan, Ala., and 33 48-pound bags and 18 24-pound bags of flour at Cornelia, Ga., alleging that the article had been shipped in interstate commerce on or about April 7 and May 8, 1941, by Igleheart Bros., Inc., from Evansville, Ind.; and charging that it was adulterated. It was labeled in part: "Bleached H Flour" or "Bleached Snow-Kist Flour Phoenix Flour Mill, Evansville, Ind."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. The flour in one lot was alleged to be adulterated further in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On August 12, 1941, Indiana Flour Co., Inc., Dothan, Ala., claimant for the product seized at Dothan, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration. On October 22, 1941, no claimant having appeared for the flour seized at Cornelia, Ga., judgment of condemnation was entered and the product was ordered destroyed.



**2609. Adulteration of flour. U. S. v. 50 Bags and 80 Bags of Flour. Consent decree of condemnation. Product ordered released upon deposit of collateral in lieu of bond.** (F. D. C. No. 5690. Sample Nos. 59579-E, 59581-E.)

On September 11, 1941, the United States attorney for the District of Maryland filed a libel against 130 98-pound bags of flour at Baltimore, Md., alleging that the article had been shipped on or about July 8 and 18, 1941, by W. J. Jennison Co. from Appleton, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bags) "Belmont High Gluten Flour Bleached," or "Bulah Highest Grade Strong Bakers Flour Bleached."

On October 10, 1941, Belt's Wharf Warehouses, Inc., Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and the product was ordered released upon the deposit of cash collateral conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. On October 20, 1941, the product was denatured for use in making stock feed, and rebagged.

**2610. Adulteration of flour. U. S. v. 25 Bags, 90 Bags, 80 Bags, and 150 Bags of Flour. Default decree of condemnation and sale.** (F. D. C. No. 5645. Sample Nos. 74025-E to 74028-E, incl.)

On or about September 9, 1941, the United States attorney for the District of Connecticut filed a libel against 345 bags, each containing 24½ pounds, of flour at Danbury, Conn., alleging that the article had been shipped from Buffalo, N. Y., 25 bags by Pillsbury Flour Mills Co. on or about April 15 and June 13, 1941, 90 bags by Washburn Crosby Co. on or about March 5, 1941, and 230 bags by Russell-Miller Milling Co. on or about March 17 and May 15, 1941; and charging that it was adulterated. The article was labeled in part: (Bags) "Pillsbury's Best XXXX Flour Bleached," "Washburn's Gold Medal Flour Bleached," "IGA Brand Family Flour Bleached," or "Occident Family Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On December 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a foundry or manufacturing concern on condition that it not be used for human consumption.

**2611. Adulteration of flour. U. S. v. 290 Bags of Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5778. Sample Nos. 67463-E to 67465-E, incl.)

On September 19, 1941, the United States attorney for the Western District of Tennessee filed a libel against 15 96-pound bags, 52 48-pound bags, 71 24-pound bags, and 152 12-pound bags of flour at Dyersburg, Tenn., alleging that the article had been shipped in interstate commerce on or about June 6 and July 2, 1941, by Ph. H. Postel Milling Co. from Mascoutah, Ill.; and charging that it was adulterated. It was labeled in part: (Bags) "Bleached Sungold Self-Rising Flour"; "Bleached Postel's Pillar Self-Rising Flour"; or "Jacks Special Plain Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2612. Adulteration of flour. U. S. v. 58 Bags of Flour. Consent decree of condemnation. Product ordered released under cash bond.** (F. D. C. No. 5689. Sample No. 59578-E.)

On September 11, 1941, the United States attorney for the District of Maryland filed a libel against 58 98-pound bags of flour at Baltimore, Md., alleging that the article had been shipped on or about June 16, 1941, by Red Wing Milling Co. from Red Wing, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bags) "Old Homestead Flour Bleached."

On October 10, 1941, Belt's Wharf Warehouses, Inc., Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under cash bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. On October 20, 1941, the product was denatured for use in making stock feed, and rebagged.



**2613. Adulteration of flour. U. S. v. 73 Bags of Flour. Default decree of condemnation; product ordered sold to foundry for use in making cores.** (F. D. C. No. 5835. Sample No. 74029-E.)

On or about September 25, 1941, the United States attorney for the District of Connecticut filed a libel against 73 98-pound bags of flour at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about June 23, 1941, by F. W. Stock & Sons from Hillsdale, Mich.; and charging that it was adulterated. It was labeled in part: (Bags) "High Gluten Esmeralda Flour."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On November 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On December 1, 1941, an amended decree was entered ordering that the product be sold to a nearby foundry for use in the making of cores.

**2614. Adulteration of flour. U. S. v. 13 Bags of Flour (and 3 other seizure actions against flour). Decrees of condemnation. Portion of product ordered released under bond to be reworked for animal food; remainder ordered destroyed.** (F. D. C. Nos. 5310, 5744, 5905, 5907. Sample Nos. 48530-E, 59368-E, 67366-E, 70105-E.)

Between August 5 and September 30, 1941, the United States attorneys for the Southern District of West Virginia, Western District of Tennessee, Middle District of Georgia, and Western District of North Carolina filed libels against 13 98-pound bags of flour at Huntington, W. Va., 21 98-pound bags of flour at Memphis, Tenn., 98 98-pound bags of flour at Columbus, Ga., and 72 98-pound bags of flour at Charlotte, N. C., alleging that the article had been shipped within the period from on or about April 24 to on or about September 9, 1941, by Washburn Crosby Co. from Chicago, Ill., Minneapolis, Minn., Wichita, Kans., and Kansas City, Mo.; and charging that it was adulterated. It was labeled in part: "Washburn's Gold Medal Flour Bleached," "Hi-Protein Type Gold Medal Whole Wheat Flour," "Strength Hecla Flour Bleached," or "Whole Wheat Flour Packed For The Great A&P Tea Co."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. A portion was alleged to be adulterated further in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 9, 1941, no claimant having appeared for the product seized at Huntington, judgment of condemnation was entered and the product was ordered delivered to a charitable agency for use as dairy food. On October 25, 1941, Washburn Crosby Co., claimant for the product seized at Columbus, Ga., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked for animal food under the supervision of the Food and Drug Administration. On October 17 and December 5, 1941, no claimant having appeared for the seizures at Memphis and Charlotte, judgments of condemnation were entered and the product was ordered destroyed.

**2615. Adulteration of buckwheat flour. U. S. v. 57 Sacks of Buckwheat Flour. Default decree of condemnation and destruction.** (F. D. C. No. 5454. Sample No. 61042-E.)

On August 26, 1941, the United States attorney for the Western District of Washington filed a libel against 57 100-pound sacks of buckwheat flour at Seattle, Wash., alleging that the article had been shipped on or about October 30, 1940, by Larrowe Buckwheat Flour Corporation from Cohocton, N. Y.; and charging that it was adulterated. It was labeled in part: (Sacks) "Larrowe's Kiln Dried Buckwheat."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2616. Adulteration of flour, doughnut mix, cottonseed flour, soybean flour, potato flour, icing mix, and white corn flour, and wheat starch. U. S. v. 395 and 19 Bags of Flour, 81 Bags and 10 Bags of Corn Flour, 25 and 48 Bags of Doughnut Mix, 152 Bags of Soybean or Cottonseed Flour, 40 Bags of Potato Flour, 55 Bags of Icing Mix, and 142 Bags of Wheat Starch. De-**



**fault decree of condemnation and destruction.** (F. D. C. No. 5087. Sample Nos. 47355-E, 47357-E, 47358-E to 47366-E, incl.)

These products had been damaged by fire and water and were subsequently shipped in interstate commerce. The bags containing them were dirty and the outsides caked and moldy, and the products themselves contained mold.

On July 10, 1941, the United States attorney for the Northern District of Illinois filed a libel against 395 140-pound bags and 19 100-pound bags of flour, 91 100-pound bags of corn flour, 73 100-pound bags of doughnut mix, 152 100-pound bags of soybean or cottonseed flour, 40 100-pound bags of potato flour, 55 100-pound bags of icing mix, and 142 100-pound bags of wheat starch, at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about May 31 and June 2, 1941, by the Doughnut Corporation of America from Ellicott City, Md.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. Certain portions of the articles were unlabeled, or the labels were illegible, and the remainder were labeled variously: "Gelatinized Corn Flour," "White Wheat and Soya Flours," "Pure Idaho Potato Flour," "Gelatinized Wheat Starch," and "Doco Flour Made from White Corn."

On August 25, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed. On October 24, 1941, the decree was vacated and set aside with respect to portions of the products for which the New Century Co., Chicago, Ill., had appeared as claimant. The claimant having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the products, which included all originally seized with the exception of the doughnut mix and the icing mix, be released to the claimant for reconditioning under the supervision of the Food and Drug Administration. They were denatured and disposed of as animal feed.

#### CORN MEAL

**2617. Adulteration of corn meal. U. S. v. Interstate Milling Co. Plea of guilty. Fine, \$500.** (F. D. C. No. 4116. Sample Nos. 155-E, 157-E, 158-E, 20713-E, 20714-E, 20715-E.)

Samples of this product were found to contain insects, insect fragments, rodent excreta, and rodent hairs.

On May 22, 1941, the United States attorney for the Western District of North Carolina filed an information against Interstate Milling Co., a corporation, Charlotte, N. C., alleging shipment within the period from on or about July 11 to on or about July 19, 1940, from the State of North Carolina into the States of Florida and Georgia of quantities of corn meal which was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Fancy Table Meal Rock Ground Triangle Crystal White Meal."

On October 14, 1941, a plea of guilty was entered on behalf of the defendant company and a fine of \$500 was imposed.

**2618. Adulteration of corn meal, U. S. v. 32 Bags, 345 Bags, and 281 Sacks of Corn Meal. Decrees of condemnation. Portions of product ordered released under bond; remainder ordered destroyed.** (F. D. C. Nos. 5752 to 5754, incl. Sample Nos. 48199-E, 48705-E, 48907-E.)

The corn meal in all three lots was insect-infested, and that in two lots also contained rodent hairs and excreta.

On September 16 and on or about September 17, 1941, the United States attorneys for the Northern District of Georgia and the Southern District of Florida filed libels against 32 bags of corn meal at Clarkesville, Ga., and 345 bags at Jacksonville and 281 sacks at Tampa, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about July 11, 1941, to on or about September 2, 1941, by Interstate Milling Co. from Charlotte, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "96 Lbs. Net Fancy Table Meal."

On October 3 and 8, 1941, the Interstate Milling Co. having appeared as claimant for the corn meal seized at Jacksonville and Tampa, Fla., judgments of condemnation were entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration and to be sold only for use as animal feed. On October 22, 1941, no claimant having appeared for the portion of the product seized at Clarkesville, Ga., judgment of condemnation was entered and the product was ordered destroyed.



**2619. Adulteration of corn meal. U. S. v. 200 Bags of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 5885. Sample No. 79012-E.)

Examination showed that this product contained rodent excreta.

On September 26, 1941, the United States attorney for the Eastern District of Kentucky filed a libel against 200 25-pound bags of corn meal at Whitesburg, Ky., alleging that the article had been shipped in interstate commerce on or about September 15, 1941, by Cadick Milling Co. from Grand View, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Bags) "Steam Ground \* \* \* Cadick's Old Style Unbolted Corn Meal."

On October 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2620. Adulteration of corn meal. U. S. v. 600 Bags and 20 Bags of Corn Meal. Default decrees of condemnation. Product ordered delivered to a local fish and game protective association.** (F. D. C. Nos. 5846, 5854. Sample Nos. 79010-E, 79011-E.)

Examination showed that this product contained rodent excreta.

On September 24, 1941, the United States attorney for the Eastern District of Kentucky filed libels against 600 25-pound bags of corn meal at West Prestonsburg, and 20 25-pound bags of corn meal at Pikeville, Ky., alleging that the article had been shipped in interstate commerce on or about September 4 and 10, 1941, by Gwinn Bros. & Co. from Huntington, W. Va.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Gwinn's Table Meal."

On November 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local fish and game protective association conditioned that it be used solely to feed the fish and game under its protection.

**2621. Adulteration of corn meal. U. S. v. 155 Bags, 340 Bags, 10 Bags, and 249 Bags of Corn Meal. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5806, 5918. Sample Nos. 67470-E, 67471-E, 67650-E.)

Examination showed that this product contained rodent excreta and rodent hairs.

On October 1, 1941, the United States attorney for the Eastern District of Arkansas filed libels against 155 24-pound bags and 340 10-pound bags of corn meal at Blytheville, and 249 24-pound bags and 10 10-pound bags of the same product at Jonesboro, Ark., alleging that the article had been shipped in interstate commerce on or about August 4 and 12 and September 6, 1941, by Humphreys Mills from Memphis, Tenn.; and charging that it was adulterated in that it consisted in whole and/or in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food. The article was labeled in part: "Honey Suckle Cream Meal."

On December 15 and 19, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2622. Adulteration of corn meal. U. S. v. 1,291 Bags and 515 Bags of Corn Meal (and 1 other seizure action against corn meal). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6017, 6081. Sample Nos. 59445-E, 59452-E.)

This product not only was insect-infested, but also contained rodent hairs and excreta.

On October 13 and 24, 1941, the United States attorney for the Eastern District of Virginia filed libels against 1,956 2-pound bags and 741 5-pound bags of corn meal at Norfolk, Va., alleging that the article had been shipped on or about October 2 and 9, 1941, by Jenkins Mill from Como, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Jenkins Meal Old-Fashioned Water Ground Way."

On December 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2623. Adulteration of corn meal. U. S. v. 276 Bags and 237 Bags of Corn Meal. Consent decrees of condemnation. Product ordered released under bond to be converted into livestock feed.** (F. D. C. Nos. 5847, 5922. Sample Nos. 79014-E, 79020-E.)

Examination of this product showed that it contained rodent excreta.

On September 24 and October 1, 1941, the United States attorney for the Eastern District of Kentucky filed libels against 276 25-pound bags of corn meal at Harlan, and 237 25-pound bags of the same product at Middlesboro, Ky., al-



leging that the article had been shipped on or about September 12, 15, and 17, 1941, by J. A. McDonald & Sons from Rogersville, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 18 and November 6, 1941, J. A. McDonald & Sons, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be converted into feed for livestock under the supervision of the Food and Drug Administration.

**2624. Adulteration of grits and corn meal. U. S. v. 525 Bags of Grits and 2,322 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 6042. Sample Nos. 49802-E, 49803-E.)

On October 21, 1941, the United States attorney for the Southern District of Alabama filed a libel against 492 6-pound bags, 13 12-pound bags, 12 24-pound bags, and 8 96-pound bags of grits, and 1,711 6-pound bags, 360 12-pound bags, 198 24-pound bags, and 53 96-pound bags of corn meal at Mobile, Ala., alleging that the articles had been shipped in interstate commerce on or about August 22, 1941, by Mountain City Mill Co. from Chattanooga, Tenn.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Arrowhead Degerminated Table Grits From Selected Corn"; or "Crystal Pearl Meal From Selected Corn Bolted," or "Prize Winner Old Style Unbolted Electric Power Corn Meal."

On October 28, 1941, Autry Greer & Sons, Mobile, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be disposed of in accordance with the law under the supervision of the Food and Drug Administration. Subsequently they were denatured and disposed of as stock feed.

**2625. Adulteration of corn meal. U. S. v. 831 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be converted into livestock feed.** (F. D. C. Nos. 5811, 5812. Sample Nos. 79001-E to 79005-E, incl.)

Examination showed that this product contained rodent excreta.

On September 20, 1941, the United States attorney for the Eastern District of Kentucky filed libels against 433 25-pound bags, 88 24-pound bags, and 270 10-pound bags of corn meal at Ashland, and 40 25-pound bags of corn meal at Olive Hill, Ky., alleging that the article had been shipped on or about August 30 and September 9 and 10, 1941, by Scioto Farm Bureau Cooperative Association from Lucasville, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Bags) "Ballard's Cream Meal Bolted \* \* \* Manufactured For and Distributed By Ballard & Ballard Co. Incorporated Louisville, Ky."

On October 24, 1941, Scioto Farm Bureau Cooperative Association, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be converted into livestock feed under the supervision of the Food and Drug Administration.

**2626. Adulteration of corn meal. U. S. v. 21 Sacks of Corn Meal. Default decree of condemnation and destruction.** (F. D. C. No. 6070. Sample No. 59458-E.)

In addition to being insect-infested, this product also contained rodent hairs.

On October 24, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 21 sacks, each containing 100 pounds, of corn meal at Suffolk, Va., alleging that the article had been shipped on or about October 13, 1941, by J. G. Small from Edenton, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On December 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2627. Adulteration of corn meal. U. S. v. 302 Bags and 43 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be denatured.** (F. D. C. No. 5831. Sample No. 70013-E.)

On September 24, 1941, the United States attorney for the Southern District of Florida filed a libel against 302 96-pound bags and 43 48-pound bags of corn meal at Jacksonville, Fla., alleging that the article had been shipped on or about August 8, 1941, by Spartan Grain & Mill Co. from Spartanburg, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Spartan Quality Table Meal."

On October 16, 1941, Hagin-Peters Co., Jacksonville, Fla., having appeared as claimant, judgment of condemnation was entered and the product was ordered



released under bond to be denatured into animal feed under the supervision of the Food and Drug Administration.

**2628. Adulteration of corn meal. U. S. v. 39 Sacks and 15 Sacks of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 5034. Sample Nos. 9550-E, 9551-E.)**

Examination showed this product to contain rodent hairs, insects, larvae, and insect fragments.

On or about June 30, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 54 sacks of corn meal at Gulfport, Miss., alleging that the article had been shipped in interstate commerce on or about May 14, 1941, by Webster [Western] Grain Co. from Birmingham, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Cabin Home Old Style Unbolted [or "Jim Dandy Degerminated Pearl Bolted"] Corn Meal \* \* \* Manufactured by Western Grain Co. Birmingham, Ala."

On February 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### BAKERY PRODUCTS

**2629. Adulteration of bakery products. U. S. v. G. L. Baking Co. Plea of guilty. Fine, \$75 and costs. (F. D. C. No. 5496. Sample Nos. 46447-E to 46453-E, incl., 50444-E, 50445-E, 50449-E to 50451-E, incl., 50475-E, 50486-E.)**

Examination of samples of these products showed that they were contaminated with filth, such as rodent hairs and insect fragments.

On September 16, 1941, the United States attorney for the District of Maryland filed an information against the G. L. Baking Co., a corporation at Frederick, Md., alleging shipment within the period from on or about August 24, 1940, to on or about January 4, 1941, from the State of Maryland into the States of New York and Virginia of quantities of bakery products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The articles were labeled in part: "Brownie Penny Pies," "Penny Choc. Pecan," "Peanut M. M.," "Dark [or "Light"] Blarney," "Choc. Rosette," "Choc. M. M.," "Penny Surprise," "X Snaps," "G. L. Oyster Crackers," "G. L. Salted Biscuits," or "Lemon Squares."

On October 3, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$75 and costs.

**2630. Adulteration of cakes and pies. U. S. v. John E. Mayer. Plea of nolo contendere. Judgment of guilty. Fine, \$200. (F. D. C. No. 2980. Sample Nos. 24214-E, 24216-E, 24218-E, 24219-E, 24220-E, 24222-E, 24251-E, 24252-E.)**

Samples of these products were found to contain, variously, insect and rodent filth, and certain of the pies also contained added water and starch paste.

On June 11, 1941, the United States attorney for the Eastern District of Pennsylvania filed an information against John E. Mayer, of Philadelphia, Pa., alleging delivery for introduction in interstate commerce from the State of Pennsylvania into the State of New Jersey on or about July 6, 1940, of quantities of cakes and pies that were adulterated.

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; portions of the pies were alleged to be adulterated further in that water and starch had been substituted in part for peach, pineapple, raisin, apple, and cherry fruit therein.

On October 2, 1941, the defendant having pleaded nolo contendere, judgment of guilty was entered by the court and a fine of \$200 was imposed.

**2631. Adulteration of cakes. U. S. v. New Standard Baking Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 4160. Sample Nos. 3926-E, 3928-E, 3929-E, 3930-E, 24254-E, 24255-E, 24257-E, 50021-E, 50023-E to 50028-E, incl., 50031-E, 50408-E to 50411-E, incl.)**

Samples of these cakes were found to contain rodent and insect filth.

On August 6, 1941, the United States attorney for the Eastern District of Pennsylvania filed an information against the New Standard Baking Co., a corporation, Philadelphia, Pa., alleging shipment on or about August 14, September 7, and October 17, 1940, from the State of Pennsylvania into the States of New York and Maryland and the District of Columbia, of quantities of cakes which were adulterated in that they consisted in whole or in part of a filthy substance. They were labeled in part "Betakake."

On November 26, 1941, a plea of nolo contendere was entered on behalf of the defendant. On December 11, 1941, the court imposed a fine of \$1 000.



**2622. Adulteration of ice cream cones. U. S. v. Tasker B. Roop (Sugar Crisp Cone Co.). Plea of guilty. Fine, \$23 and costs.** (F. D. C. No. 5477. Sample Nos. 55610-E, 55618-E, 55684-E, 55691-E.)

Samples of this product were found to contain rodent hairs and insect fragments.

On October 27, 1941, the United States attorney for the Western District of Washington filed an information against Tasker B. Roop, trading as Sugar Crisp Cone Co. at Seattle, Wash., alleging shipment within the period from on or about March 6 to on or about March 19, 1941, from the State of Washington into the State of Oregon of quantities of chocolate-coated cones which were adulterated. The article was labeled in part: "Frozen Drumstick Chocolate Coated Cones."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On December 1, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$23 and costs.

**2633. Misbranding of pretzel sticks. U. S. v. 18 Cases of Pretzel Sticks. Default decree of condemnation and destruction.** (F. D. C. No. 2438. Sample No. 24335-E.)

The packages of this product each contained a paper bag of pretzel sticks. The bag occupied approximately 60 percent of the space in the package.

On July 26, 1940, the United States attorney for the District of New Jersey filed a libel against 18 cases of pretzel sticks at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about July 9, 1940, by the Hygrade Bakery from Philadelphia, Pa.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. It was labeled in part: "Pretzel Sticks Hygrade Original."

On April 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MACARONI PRODUCTS

Nos. 2634 and 2635 report the seizure and disposition of macaroni products which had been shipped in interstate commerce and were in interstate commerce at the time of examination, at which time they were found to be insect-infested. When such infestation occurred was not determined.

**2634. Adulteration of egg noodles. U. S. v. 19 Cases of Egg Noodles. Default decree of condemnation and destruction.** (F. D. C. No. 5678. Sample No. 53711-E.)

On September 12, 1941, the United States attorney for the District of Arizona filed a libel against 19 cases of egg noodles at Nogales, Ariz., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by the Quaker Oats Co. from St. Joseph, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Uncle Sam's Genuine Egg Noodles."

On November 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2635. Adulteration of egg noodles. U. S. v. 20 Cases of Egg Noodles. Default decree of condemnation and destruction.** (F. D. C. No. 5691. Sample No. 72025-E.)

On September 11, 1941, the United States attorney for the Southern District of California filed a libel against 20 cases of egg noodles at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 24, 1941, by Aron Streit, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Streit's Pure Egg Noodles."

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS

Nos. 2636 to 2639 report the seizure and disposition of cereal products that were found to be insect-infested.

**2636. Adulteration of hominy grits. U. S. v. 25 Bags of Grits. Default decree of condemnation and destruction.** (F. D. C. No. 5762. Sample No. 48091-E.)

On September 16, 1941, the United States attorney for the Middle District of Georgia filed a libel against 25 bags of hominy grits at Valdosta, Ga., alleg-



ing that the article had been shipped in interstate commerce on or about July 16, 1941, by Western Grain Co. from Birmingham, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Jim Dandy Degenerated Hominy Grits."

On January 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2637. Adulteration of breakfast food. U. S. v. 16 Cases of Syl-Dex Breakfast Wheat. Default decree of condemnation and destruction.** (F. D. C. No. 5845. Sample No. 61375-E.)

On September 27, 1941, the United States attorney for the District of Oregon filed a libel against 16 cases of breakfast food at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by Loma Linda Food Co. from Arlington, Calif.; and charging that it was adulterated. The article was labeled in part: (Package) "Syl-Dex Breakfast Wheat."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2638. Adulteration of rice. U. S. v. 5 Bags of Rice. Default decree of condemnation and destruction.** (F. D. C. No. 5203. Sample No. 49577-E.)

On July 23, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 5 100-pound bags of rice at Hazelhurst, Miss., alleging that the article had been shipped in interstate commerce on or about March 19, 1941, by Louisiana State Rice Milling Co. from Rayne, La.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Bags) "Mahatma Brand Rice."

On November 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2639. Adulteration of rice. U. S. v. 20 Bags and 144 Bags of Rice. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. Nos. 5208, 5246. Sample Nos. 956-E, 37892-E.)

On July 30, 1941, the United States attorney for the Northern District of Georgia filed libels against 164 bags, each containing 100 pounds, of rice at Atlanta, Ga., alleging that the article had been shipped on or about April 14, 1941, by Rickert Rice Mills, Inc., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Lord Rickert Brand Supreme Rexora Rice" or "Bo-Peep Rice."

On August 14, 1941, Atlanta Savings Stores, Inc., Atlanta, Ga., claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. All insect infestation was eliminated and the rejected portion was ground into stock feed.

**2640. Adulteration of popcorn. U. S. v. 205 Bags of Popcorn. Consent decree of condemnation. Product ordered released under bond for segregation and reconditioning of edible portion.** (F. D. C. No. 5362. Sample No. 60864-E.)

Some of the bags containing this product had been gnawed by rodents, and rat-chewed kernels were found.

On August 15, 1941, the United States attorney for the Western District of Washington filed a libel against 205 100-pound bags of popcorn at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 28, 1941, by Popcorn Growers & Distributing Co. from Wall Lake, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Golden Harvest \* \* \* Pop Corn."

On September 20, 1941, Popcorn Growers & Distributors having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.



**2641. Adulteration of popcorn. U. S. v. 8 Bags of Popcorn. Default decree of condemnation and destruction. (F. D. C. No. 6159. Sample No. 74561-E.)**

This product contained rodent excreta, rodent hair, insect fragments, and rodent-eaten grains.

On November 6, 1941, the United States attorney for the Southern District of New York filed a libel against 8 bags of popcorn at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 14, 1941, by Royale Popcorn Co., Inc., from Cleveland, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. A portion of the product was labeled in part: "Royale Brand" or "Bingo Brand Popcorn."

On December 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### FEED

**2642. Misbranding of cottonseed cake and meal. U. S. v. Armour & Co. (Forrest City Cotton Oil Mill, Division of Armour & Co.). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 5567. Sample No. 25363-E.)**

This product contained less protein than the amount declared on the label.

On March 4, 1942, the United States attorney for the Eastern District of Arkansas filed an information against Armour & Co., trading as Forrest City Cotton Oil Mill, Division of Armour & Co., at Forrest City, Ark., alleging shipment on or about January 2, 1941, from the State of Arkansas into the State of Kansas of a quantity of cottonseed screenings which were misbranded. The article was labeled in part: "100 Pounds Net 'Navy' Brand Prime Quality 41.00% Protein Cottonseed Cake and Meal Manufactured for and Guaranteed by Louis Tobian & Company Dallas Texas."

The article was alleged to be misbranded in that the statements "41.00% Protein Cottonseed Cake and Meal" and "Crude Protein not less than 41.00%," appearing on the tag, were false and misleading since it contained less than 41 percent of crude protein, namely, not more than 38.81 percent crude protein.

On March 10, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

**2643. Misbranding of cottonseed meal. U. S. v. Humphreys-Godwin Co. Plea of guilty. Fine, \$100. (F. D. C. No. 4130. Sample No. 18498-E.)**

This product was found to contain less protein than the amount declared.

On June 4, 1941, the United States attorney for the Western District of Tennessee filed an information against Humphreys-Godwin Co., a corporation, Memphis, Tenn., alleging shipment on or about November 27, 1940, from the State of Tennessee into the State of Kansas of quantities of cottonseed meal which was misbranded. The article was labeled in part: "Choice Prime 41% Protein—Prime Quality 100 Pounds Net Dixie Brand Cottonseed Meal."

It was alleged to be misbranded in that the statements "41.00% Protein" and "Min. Protein 41.00%," appearing on the label, were false and misleading since it contained less than 41 percent, namely, not more than 37.38 percent of protein.

On August 7, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

**2644. Misbranding of alfalfa meal. U. S. v. 40 Bags of Alfalfa Meal. Consent decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 5760. Sample No. 18670-E.)**

Examination showed this product to be deficient in protein and to contain excessive fiber.

On September 15, 1941, the United States attorney for the District of Maryland filed a libel against 40 bags of alfalfa meal at Upper Marlboro, Md., alleging that the article had been shipped in interstate commerce on or about July 31, 1941, by S. W. Douthitt from New Castle, Pa.; and charging that it was misbranded. It was labeled in part: (Tag) "Superior Alfalfa Meal Produced by Meadow Brook Farms Nazareth, Pa. Guaranteed Analysis \* \* \* Fibre not more than 20% Protein not less than—20%."

The article was alleged to be misbranded in that the statement "Fibre not more than 20% Protein not less than 20%" was false and misleading since the article contained more than 20 percent of fiber and less than 20 percent of protein.

On October 24, 1941, the claimant, Binger Bros., Upper Marlboro, Md., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.



## COD-LIVER AND SARDINE OILS

**2645. Adulteration and misbranding of fortified cod-liver oil. U. S. v. Seaboard Supply Co., Inc. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 2890. Sample Nos. 1236-E, 14209-E, 78465-D.)**

This product was found to be deficient in both vitamin D and vitamin A.

On January 8, 1941, the United States attorney for the Eastern District of Pennsylvania filed an information against Seaboard Supply Co., Inc., Philadelphia, Pa., alleging shipment within the period from on or about January 2 to on or about March 28, 1940, from the State of Pennsylvania into the States of West Virginia and Delaware of quantities of fortified cod-liver oil that was adulterated and misbranded. It was labeled in part: "50 Lbs. Net Sea-Clo-400-D Highly Fortified Cod Liver Oil In Dry Base."

The article was alleged to be adulterated in that valuable constituents thereof, i. e., vitamins D and A, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statements "Sea-Clo-400-D \* \* \* In place of each 4¾ lbs. straight 85-D Oil use 1 lb. Sea-Clo-400-D. In place of each 1 lb. Fortified 400-D use 1 lb. Sea-Clo-400-D. For each 5 pints 85-D Oil used, replace with 1 lb. Sea-Clo-400-D," and "Guaranteed to contain 400 A. O. A. C. units of Vitamin D. per gram. When this product is packed it contains more than 1000 units of Vitamin 'A' per gram, but due to a difference of opinion of our many authorities regarding the stability of Vitamin 'A' from Cod Liver Oil when added to feeds, we are making no claim for it," appearing in the labeling, were false and misleading since it contained less than 400 units of vitamin D per gram and it contained much less than 1,000 units of vitamin A per gram, and 1 pound of said food would not be equivalent in feeding value or as a source of vitamin D and vitamin A to 4¾ pounds of straight 85-D cod-liver oil, 1 pound of fortified 400-D cod-liver oil, or 5 pints of 85-D cod-liver oil.

The article was also charged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 481.

On March 24, 1941, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$150.

**2646. Misbranding of cod-liver oil. U. S. v. 5 30-Gallon Drums of Cod-Liver Oil. Default decree of condemnation. Product ordered sold by the United States marshal. (F. D. C. No. 3582. Sample No. 50143-E.)**

One drum of this product was represented on the label to contain 225 U. S. P. units of vitamin D per gram, but contained a smaller amount. The remaining 4 drums were unlabeled.

On December 23, 1940, the United States attorney for the District of Maryland filed a libel against 5 30-gallon drums of cod-liver oil at Baltimore, Md., alleging that the article had been shipped by Consumer Import Co., Inc., from Jersey City, N. J., on or about November 7, 1940; and charging that it was misbranded. It was labeled in part: (1 drum only) "Non Freezing \* \* \* U S P Vita C L O Cod Liver Oil \* \* \* 225D Units Per Gram."

The article was alleged to be misbranded in that the statements "Non Freezing" and "225D" were false when applied to non-destearinated cod-liver oil containing less than 225 U. S. P. units of vitamin D per gram. The portion of the article contained in the four unlabeled drums was alleged to be misbranded further (1) in that it was in package form and its label did not contain an accurate statement of the quantity of the contents; and (2) in that it was in package form and its label did not contain the name and place of business of the manufacturer, packer, or distributor.

On March 21, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be labeled and sold in compliance with the law and that the proceeds be deposited in the United States Treasury.

**2647. Adulteration and misbranding of cod-liver-oil concentrate. U. S. v. 1¼ 420-Pound Drums of Five X Concentrate. Default decree of condemnation and destruction. (F. D. C. No. 3478. Sample No. 34377-E.)**

This product contained less than 300 A. O. A. C. units of vitamin D per gram; whereas its label represented that it contained not less than 425 A. O. A. C. units of vitamin D per gram.

On December 4, 1940, the United States attorney for the District of New Jersey filed a libel against 1¼ 420-pound drums of cod-liver-oil concentrate at Plainfield, N. J., alleging that the article had been shipped in interstate com-



merce on or about September 9, 1940, by the Whitmoyer Laboratories, Inc., from Myerstown, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "Whitmoyer Quality Five X Concentrate."

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been, in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the label, "Five X Concentrate is guaranteed to contain not less than 425 A. O. A. C. units vitamin D per gram," was false and misleading since it was incorrect.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 480.

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2648. Adulteration and misbranding of sardine oil. U. S. v. Industrial Oil Products Corporation. Plea of nolo contendere. Fine, \$100 on count I. Imposition of sentence suspended on remaining counts. (F. D. C. No. 4155. Sample Nos. 24505-E, 40103-E.)**

This product contained less vitamin D than the amount declared on its label.

On August 7, 1941, the United States attorney for the Southern District of California filed an information against the Industrial Oil Products Corporation, trading at Los Angeles, Calif., alleging shipment on or about September 4 and October 24, 1940, from the State of California into the State of New Jersey of quantities of sardine oil which was adulterated and misbranded. The article was labeled in part: "Fox Special Sardine Oil Guaranteed \* \* \* The Fox Company, Newfield, New Jersey."

It was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statement "Guaranteed 85 AOAC Chick Units Vitamin D per gram," borne on its container, was false and misleading in that it represented that the article contained 85 A. O. A. C. chick units of vitamin D per gram; whereas it contained less than so represented, one lot containing not more than 60 and the other containing not more than 65 A. O. A. C. chick units of vitamin D per gram.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 482.

On August 28, 1941, a plea of nolo contendere having been entered, the court sentenced the defendant to pay a fine of \$100 on count I and suspended imposition of sentence on the remaining seven counts.

## DAIRY PRODUCTS

### BUTTER

**Nos. 2649 to 2663** report the seizure and disposition of butter that was found to contain mold.

**2649. Adulteration of butter. U. S. v. 37 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 5868. Sample No. 54235-E.)**

This product, in addition to containing mold, was also deficient in milk fat.

On September 6, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 37 cartons, each containing 32 pounds, of butter at Philadelphia, Pa., alleging that the article had been shipped on or about August 28, 1941, by Chesapeake Creameries, Inc., from Baltimore, Md.; and charging that it was adulterated. It was labeled in part: (Print wrapper) "One Pound Net Weight Chesapeake Creamery Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. It was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2650. Adulteration of butter. U. S. v. 10 Cartons, 1 Carton, and 2 Portions of Cartons of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 5850, 5851. Sample Nos. 50584-E, 50585-E.)**

On September 24, 1941, the United States attorney for the District of Columbia filed libels against 11 cartons each containing 32 pounds, a portion of a carton containing 20 pounds, and a portion of a carton containing 28 pounds, of butter at Washington, D. C., alleging that the article had been shipped on September



12, 1941, by Fairmont Creamery Co. from Columbus, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance. The article was labeled in part: "Sweet \* \* \* Clover Butter," or "Jersey Brand Butter."

On October 15, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2651. Adulteration of butter. U. S. v. 43 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. No. 6038. Sample No. 62280-E.)

On September 26, 1941, the United States attorney for the Northern District of Illinois filed a libel against 43 tubs of butter at Chicago, Ill., alleging that the article had been shipped on or about September 11, 1941, by Farmers Union Cooperative Creamery Co., Inc., from Superior, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On November 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2652. Adulteration of butter. U. S. v. 23 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5723. Sample No. 62417-E.)

On August 14, 1941, the United States attorney for the Northern District of Illinois filed a libel against 23 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 4, 1941, by the Field Creamery from Owensboro, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Creamery Butter The Peter Fox Sons Co. Chicago, Ill."

On October 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2653. Adulteration of butter. U. S. v. 49 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6283. Sample Nos. 71555-E, 71559-E.)

This product, in addition to containing mold, was also contaminated with insects and insect fragments, hairs, and nondescript dirt.

On November 8, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 49 30-pound cases of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 20, 21, 23, and 25, 1941, by Food Fair (Giant Foods) from Reading, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Cases) "Distributed by P. A. Schulze Co., St. Louis, Mo."; and (parchment wrappers) "Sunshine Valley [or "Clover Springs"] Brand Butter."

On December 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2654. Adulteration of butter. U. S. v. 11 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6284. Sample No. 71557-E.)

This product contained insects and insect fragments and hairs as well as mold.

On November 8, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 11 30-pound cases of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 17, 1941, by Giant Market from Binghamton, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Cases) "Distributed By P. A. Schulze Co. St. Louis, Mo."; or (parchment wrappers) "Sunshine Valley Brand Butter."

On December 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2655. Adulteration of butter. U. S. v. 34 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5717. Sample No. 56955-E.)

On August 26, 1941, the United States attorney for the Eastern District of New York filed a libel against 34 tubs of butter at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 15, 1941, by the Harding Cream Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On January 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2656. Adulteration of butter. U. S. v. 24 Cartons of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5720. Sample Nos. 62254-E, 62255-E.)

On or about August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 24 30-pound cartons of butter in Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 4, 1941, by the Monroe City Creamery from Monroe City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: "Homade brand Butter."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2657. Adulteration of butter. U. S. v. 44 Cartons, 36 Cartons, and 191 Boxes of Butter. Consent decrees of condemnation. Product ordered released under bond.** (F. D. C. Nos. 5121, 5124, 6170. Sample Nos. 47352-E, 47353-E, 62346-E.)

In addition to containing mold, portions of this product were also deficient in milk fat.

On June 17 and October 3, 1941, the United States attorney for the Northern District of Illinois filed libels against 80 cartons and 191 boxes, each containing 63 pounds, of butter at Chicago, Ill., alleging that the article had been shipped on or about June 2 and September 10, 1941, by W. B. Pruitt Produce Co. from Muskogee, Okla.; and charging that it was adulterated. It was labeled in part: "Creamery Butter," or "Creamery Butter. The Peter Fox Sons Co. Distributors, Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. Portions of the product were alleged to be adulterated further in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On September 3 and November 12, 1941, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels and the cases covered by the libels filed on June 17 having been consolidated, judgments of condemnation were entered and the product was ordered released under bond, the portion shipped on June 2 to be salvaged for use in the making of soap and the remainder to be converted into refined butter oil under the supervision of the Food and Drug Administration.

**2658. Adulteration of butter. U. S. v. 30 Boxes of Butter. Default decree of forfeiture and destruction.** (F. D. C. No. 6132. Sample No. 79223-E.)

On October 13, 1941, the United States attorney for the Southern District of Indiana filed a libel against 30 58-pound boxes of butter at Frankfort, Ind., alleging that the article had been shipped in interstate commerce on or about September 27, 1941, by St. Louis Refrigerating & Cold Storage from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food.

On November 14, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

**2659. Adulteration and misbranding of butter. U. S. v. 8 Cases, 21 Cases, 19 Cases, and 17 Pounds of Butter. Consent decrees of condemnation and destruction.** (F. D. C. Nos. 5091, 5092, 5097. Sample Nos. 42196-E, 42197-E, 64040-E.)

This product was short of the declared weight, in addition to containing mold.

On June 18 and 19, 1941, the United States attorney for the Western District of New York filed libels against 48 30-pound cases and 17 separate pounds of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about June 5, 1941, by Paul A. Schulze Co. from St. Louis, Mo.; and charging that it was adulterated and misbranded. It was labeled in part: (Wrapper on prints) "Net Weight 1 Lb. Peerless Brand Roll Butter Distributed by Hickman, Coward & Wattles, Inc. Buffalo, N. Y." or "1 Pound Net Weight Jersey Brand Creamery Butter—Distributed by I. V. Horn Co. \* \* \* Buffalo, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance.

It was alleged to be misbranded in that the prints did not contain "Net Weight 1 Lb." as labeled

On November 27, 1941, Paul A. Schulze Co., claimant, having consented to the



entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

**2660. Adulteration and misbranding of butter. U. S. v. 141¾ Cases, 7 Cartons, 90 Pounds, and 391 Boxes of Butter. Decrees of condemnation. One shipment of product ordered released under bond for reprocessing of fit portion and destruction of unfit; portions released under bond for conversion into soap and greases; and remainder ordered destroyed.** (F. D. C. Nos. 5367, 5369, 5705, 5715, 5729, 5765, 5865, 6005. Sample Nos. 35392-E, 48066-E, 49709-E, 59369-E, 67091-E, 67126-E, 67333-E, 67334-E.)

One shipment of this product consisted in part of butter that was moldy and in part of butter that was deficient in milk fat; the butter in all other shipments contained mold.

Between July 28 and August 27, 1941, the United States attorneys for the Southern District of Florida, Southern District of West Virginia, Eastern District of Louisiana, Western District of Tennessee, and the Eastern District of Illinois filed libels against the following amounts of butter: 110 32-pound cases at Tampa, Fla.; 7 32-pound cartons at Huntington, W. Va.; 31¾ 32-pound cases at New Orleans, La.; 90 pounds at Memphis, Tenn.; and 87 66-pound boxes at National Stock Yards, and 28 63-pound and 276 62-pound boxes at Danville, Ill., alleging that the article had been shipped within the period from on or about July 21 to on or about August 18, 1941, by Sugar Creek Creamery Co. from Louisville, Ky., Dardenelle, Ark., Salina, Kans., Mansfield, Mo., Evansville, Ind., and St. Louis and Cape Girardeau, Mo.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "Country Roll Creamery Butter Distributors Wilson & Co. \* \* \* Chicago, Ill."; "Wilson Country Roll Butter, Wilson & Co., Chicago, Ill. Distributors"; "Daisy Maid Brand Creamery Butter \* \* \* The Cudahy Packing Co. Distributors General Offices Chicago, Ill."; "Meramec Rolls"; or "Extra Fancy Creamery Butter \* \* \* Distributed by Gerde, Newman & Co. New Orleans, La."

A portion of the product in one shipment was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading.

The remainder of the butter in the above shipment and that in all other lots was alleged to be adulterated in that it consisted in whole or in part of filthy, putrid, or decomposed substances.

On August 22, 1941, Sugar Creek Creamery Co., claimant for the product seized at Danville, Ill., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be converted into soap and greases under the supervision of the Food and Drug Administration. On September 17, 1941, Sugar Creek Creamery Co., claimant for the product seized at National Stock Yards, Ill., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the fit portion of the product be released under bond to be reprocessed under the supervision of the Food and Drug Administration, and that the remainder be destroyed. Between September 3 and October 17, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

**2661. Adulteration of butter. U. S. v. 5 Cases of Butter (and 5 other seizures of butter). Default decrees of condemnation. Portion of product ordered sold for use in soap making; remainder ordered destroyed.** (F. D. C. Nos. 5319, 5368, 5402, 5405, 5706, 5710. Sample Nos. 35518-E, 35519-E, 47878-E, 48178-E, 49297-E, 51552-E, 79839-E, 79840-E.)

Between July 24 and August 14, 1941, the United States attorneys for the Southern and the Northern Districts of Alabama, District of Massachusetts, Southern District of Florida, Southern District of Ohio, and the Eastern District of Michigan filed libels against the following amounts of butter: 5 32-pound cases at Mobile, and 15 32-pound cases at Birmingham, Ala.; 3 32-pound boxes at Lawrence, Mass.; 34 32-pound cases at Jacksonville, Fla.; 53 32-pound boxes at Cincinnati, Ohio; and 120 32-pound cases at Detroit, Mich., alleging that the article had been shipped within the period from on or about June 23 to on or about August 5, 1941, by Swift & Co. from Fort Worth, Tex., Nashville, Tenn., Columbus, Nebr., Lexington, Ky., and Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy, putrid, or decomposed substances. The article was labeled in part: "Cresta Creamery Butter," "Gold Crest Creamery Butter," "Swift's Brookfield Butter," or "Glenwood Creamery Butter."

On September 29, 1941, no claimant having appeared for the portion of the



product seized at Detroit, Mich., judgment of condemnation was entered and the product was ordered sold on condition that it be converted into soap or used for other nonfood purposes, under the supervision of the Food and Drug Administration. Between August 19 and October 10, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

**2662. Adulteration of butter. U. S. v. 17 Tubs and 84 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond for use as grease in the manufacture of soap and soap products.** (F. D. C. Nos. 6171, 6172. Sample Nos. 64355-E, 64358-E.)

On October 15, 1941, the United States attorney for the Western District of Pennsylvania filed libels against 101 tubs, each containing 63 pounds, of butter at Pittsburgh, Pa., alleging that the article had been shipped on or about July 28 and August 16, 1941, by Valley Creamery Co. from Sistersville, W. Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On December 15 and 27, 1941, Bowser Sales & Trading Corporation, Sistersville, W. Va., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for use as grease in the manufacture of soap and soap products.

**2663. Adulteration of butter. U. S. v. 89 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be denatured for use as soap stock.** (F. D. C. No. 6143. Sample No. 56986-E.)

On October 21, 1941, the United States attorney for the Southern District of New York filed a libel against 89 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 14, 1941, by the Valley Creamery, Inc., from Harrisonburg, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Butter Distributed by J. R. Kramer, Inc."

On November 3, 1941, the Valley Creamery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured for use as soap stock.

Nos. 2664 to 2676 report actions based on interstate shipments of butter that was found to be deficient in milk fat.

**2664. Adulteration of butter. U. S. v. George I. Southard (Albin Creamery). Plea of guilty. Fine, \$200.** (F. D. C. No. 4182. Sample No. 40618-E.)

On January 15, 1942, the United States attorney for the District of Minnesota filed an information against George I. Southard, trading as the Albin Creamery, at Sleepy Eye, Minn., alleging shipment on or about March 8, 1941, from the State of Minnesota into the State of Pennsylvania of a quantity of butter which was adulterated. It was labeled in part: "Butter One Pound Net, Frank Hellerick Co., Inc. Phila., Pa. Wholesale Distributors."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 15, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$200.

**2665. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$500.** (F. D. C. No. 2934. Sample Nos. 20719-E, 20859-E, 20863-E.)

On February 28, 1941, the United States attorney for the Southern District of Georgia filed an information against Armour & Co., a corporation, trading as Armour Creameries, at Dublin, Ga., alleging shipment within the period from on or about August 20 to on or about September 18, 1940, from the State of Georgia into the State of Florida of quantities of butter which was adulterated. The article was labeled in part: "Gold Band \* \* \* Creamery Butter."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 8, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.



**2666. Adulteration of butter. U. S. v. Arthur T. Crouch, Howard M. Orsburn, and Aida Faye Crouch McConnell (A. T. Crouch Creamery Co.). Plea of nolo contendere. Fine, \$10.** (F. D. C. No. 2974. Sample Nos. 30534-E, 30538-E.)

On June 26, 1941, the United States attorney for the Western District of Arkansas filed an information against Arthur T. Crouch, Howard M. Orsburn, and Aida Faye Crouch McConnell, copartners, trading as A. T. Crouch Creamery Co., Bloomer, Ark., alleging shipment by said defendants on or about July 15, 1940, from the State of Arkansas into the State of Illinois of a quantity of butter which was adulterated. The article was labeled in part: "Creamery Butter The Peter Fox Sons Co. Distributors Chicago, Ill."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 20, 1942, a plea of nolo contendere having been entered on behalf of the defendants, the court imposed a fine of \$10.

**2667. Adulteration of butter. U. S. v. Farmers Cooperative Creamery Co. Plea of guilty. Fine, \$50.** (F. D. C. No. 5571. Sample No. 69546-E.)

On February 13, 1942, the United States attorney for the District of South Dakota filed an information against the Farmers Cooperative Creamery Co., a corporation, at Wilmot, S. Dak., alleging shipment on or about June 8, 1941, from the State of South Dakota into the State of New York of a quantity of butter which was adulterated. The article was labeled in part: "Butter Distributed By J. R. Kramer Inc. 2031 New York, N. Y. 60 Lb."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 28, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

**2668. Adulteration of butter. U. S. v. Minneola Creamery Co. Plea of guilty. Fine, \$10.** (F. D. C. No. 5556. Sample No. 46336-E.)

On January 26, 1942, the United States attorney for the District of Minnesota filed an information against the Minneola Creamery Co., a corporation, at Waukegan, Minn., alleging shipment on or about June 8, 1941, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated. The article was labeled in part: "Creamery Butter Distributed by Zimmer & Dunkak, Inc."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted from the article; and in that a substance which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 26, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

**2669. Adulteration of butter. U. S. v. LaVerne C. Hansen (Stanchfield Creamery Co.). Plea of guilty. Fine, \$50.** (F. D. C. No. 5570. Sample Nos. 40735-E, 54118-E.)

On March 3, 1942, the United States attorney for the District of Minnesota filed an information against LaVerne C. Hansen, trading as Stanchfield Creamery Co., Stanchfield, Minn., alleging shipment on or about May 29 and June 5, 1941, from the State of Minnesota into the State of Pennsylvania, of a quantity of butter that was adulterated. The article was labeled in part: "Aiken-Schwartz Co."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 3, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

**2670. Adulteration of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 6130. Sample No. 54241-E.)

On October 15, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 tubs of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 3, 1941, by Blue Grass Cooperative Creamery from Blue Grass, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Distributed by C. G. Heyd & Co. 2008 Phila., Pa."

On October 28, 1941, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the



product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2671. Adulteration of butter. U. S. v. 5 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 6167. Sample No. 54243-E.)

On October 18, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 5 60-pound boxes of butter at Philadelphia, Pa., alleging that the article had been shipped on or about October 9, 1941, by Bird Island Cooperative Creamery from Bird Island, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "A. F. Bickley & Son Distributors Phila. Pa."

On October 21, 1941, A. F. Bickley & Son having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration.

**2672. Adulteration of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 6146. Sample No. 74808-E.)

On October 20, 1941, the United States attorney for the Southern District of New York filed a libel against 19 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 1, 1941, by the Brewster Creamery from Brewster, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Lewis Ebert & Sons, Inc. Distributors, New York."

On November 3, 1941, the Brewster Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so that it contain not less than 80 percent of milk fat.

**2673. Adulteration of butter. U. S. v. 12 Boxes of Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 6166. Sample No. 54218-E.)

On October 15, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 12 boxes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 1, 1941, by C. G. Heyd & Co. from Mankato, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter \* \* \* C. G. Heyd & Co. 2174 Phila., Pa."

On October 28, 1941, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2674. Adulteration of butter. U. S. v. 17 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be brought up to the legal standard.** (F. D. C. No. 5023. Sample No. 62614-E.)

On or about June 11, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 17 boxes each containing 63 pounds of butter, at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 30, 1941, by the Linwood Creamery from Wichita, Kans.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted and in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On July 1, 1941, the Merchants Creamery Co. of Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought up to the legal standard under the supervision of the Food and Drug Administration.

**2675. Adulteration of butter. U. S. v. 63 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6173. Sample No. 74550-E.)

On October 24, 1941, the United States attorney for the Southern District of New York filed a libel against 63 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 9,



1941, by the David Park Co. from Bemidji, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Distributors Zenith-Godley Co. N. Y. \* \* \* 60 Lbs. Net Butter."

On November 12, 1941, David Park Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain 80 percent of milk fat.

**2676. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6050. Sample No. 56971-E.)

On October 9, 1941, the United States attorney for the Southern District of New York filed a libel against 15 tubs, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about September 27, 1941, by Pekin Creamery Co. from Pekin, N. Dak.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by J. R. Kramer, Inc. \* \* \* New York."

On October 24, 1941, Pekin Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

#### MISCELLANEOUS DAIRY PRODUCTS

**2677. Adulteration of Cheddar cheese. U. S. v. 48 and 17 Cheddar Cheeses. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5398, 5746. Sample Nos. 58095-E, 58804-E.)

Examination showed that this product contained insect fragments.

On August 16 and September 13, 1941, the United States attorney for the Eastern District of Wisconsin filed libels against 48 Cheddar cheeses at Marinette, and 17 Cheddar cheeses at Marquette, Wis., alleging that the article had been shipped in interstate commerce on or about August 4 [July 3], 1941, by Clover Leaf Cheese Factory from Daggett, Mich.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "833 White Michigan 109," or "Cheddar Cheese ON 992 Michigan 109."

On November 19, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2678. Adulteration of Cheddar cheese. U. S. v. 79 Cheddar Cheeses. Default decree of condemnation and destruction.** (F. D. C. No. 5366. Sample No. 58094-E.)

Examination showed that this product contained insect fragments, rodent hairs, and nondescript dirt.

On August 14, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 79 Cheddar cheeses at Marinette, Wis., alleging that the articles had been shipped in interstate commerce on or about August 2, 1941, by Daggett Cheese & Creamery Co. from Daggett, Mich.; and charging that they were adulterated in that they consisted wholly or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have been contaminated with filth.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2679. Adulteration of Cheddar cheese. U. S. v. 100 Hoops of Cheddar Cheese (and 3 other seizure actions against Cheddar cheese). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5677, 5880, 6023, 6968. Sample Nos. 17003-E, 17004-E, 22736-E to 22738-E, incl., 81646-E, 83687-E.)

Portions of this product contained rodent hairs, insect fragments, feather fragments, plant fragments, and nondescript dirt particles.

Between September 12, 1941, and March 3, 1942, the United States attorneys for the District of Arizona, District of New Mexico, District of Nevada, and the Southern District of Alabama filed libels against the following quantities of Cheddar cheese: 100 hoops at Tucson, Ariz.; 1 hoop and 10 cases at Roswell, N. Mex.; 46 boxes and 9 cases at Reno, Nev.; and 13 cases at Mobile, Ala., alleging that the article had been shipped within the period from on or about August 22,



1941, to on or about February 17, 1942, by Swift & Co. from Denver, Colo., Amarillo, Tex., Twin Falls, Idaho, and West Point, Miss.; and charging that it was adulterated in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth, and (except 1 hoop at Roswell, N. Mex.) in that it consisted in whole or in part of a filthy substance. Portions of the article labeled in part: "Brookfield Cheddar," or "Gold Crest [or "Gold Crest Longhorn"] Cheddar Cheese."

Between October 17, 1941, and May 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2680. Adulteration of cream. U. S. v. 3 5-Gallon Cans, 2 8-Gallon Cans, and 1 10-Gallon Can of Cream (and 4 other seizure actions against cream). Consent decrees of destruction.** (F. D. C. Nos. 5256 to 5260, incl. Sample Nos. 65584-E to 65586-E, incl., 65647-E, 65648-E.)

This product was in whole or in part filthy, decomposed, and putrid.

On July 14, 15, 16, and 17, 1941, the United States attorney for the District of Colorado filed libels against 28 5-gallon cans, 3 8-gallon cans, and 20 10-gallon cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about July 10, 11, 12, 13, and 14, 1941, in various lots and by various shippers as follows: Mrs. W. T. Loftis, Mosquero, N. Mex.; J. E. Bicknell, Goree, Tex.; J. W. Evans, Chillicothe, Tex.; S. T. Lyon, Childress, Tex.; Roy Wilson, Boise City, Okla.; Mrs. E. F. Sears, Snyder, Tex.; R. B. Sell, Petersburg, Tex.; R. C. Saline, Pedernal, N. Mex.; J. M. Hale, Manter, Kans.; J. L. Fish, Tucumcari, N. Mex.; V. W. Coombs, Centerville, N. Mex.; Lee Glasgow, Farley, N. Mex.; W. H. Zeck, Lamesa, Tex.; Susie Palmer, Kendall, Kans.; Florsheim Mercantile Co., Springer and Roy, N. Mex.; L. M. Gills, Encino, Tex.; Wrea Duggin, Socorro, N. Mex.; W. E. Tidwell, Midland, Tex.; W. S. Wharton, Petersburg, Tex.; L. R. Browning, Turkey, Tex.; J. N. Hollon, Mountainair, N. Mex.; Hassie Clanton, Big Springs, Tex.; C. C. Robinson, Canyon, Tex.; Alva Mayfield, Tulia, Tex.; L. W. Ross, Trent, Tex.; Clifford Hastings, Boise City, Okla.; J. W. Green, Clarendon, Tex.; W. H. Strickland, Claude, Tex.; J. G. Helms, Socorro, N. Mex.; Frank Pruitt, Springer, N. Mex.; Henrietta Laek, Electra, Tex.; M. Chambers, Olney, Tex.; W. H. Pemberton, Kerrick, Tex.; H. C. Tucker, Belen and Veguita, N. Mex.; O. E. Ward, Socorro, N. Mex.; G. D. Hillis, Memphis, Tex.; L. R. Swayer, Hayden, N. Mex.; R. H. Noll, Happy, Tex.; O. V. Martin, Kendall, Kans.; W. R. Taegel, Plainview, Tex.; F. J. Hulse, Olney, Tex.; E. C. Robinson, Canyon, Tex.; R. C. Ellison, Crosbyton, Tex.; and Louis Hoselhoff, Vernon, Tex.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 14, 15, 16, and 17, 1941, the consignee having admitted the allegations of the libels, judgments were entered ordering that the product be destroyed.

**2681. Adulteration of cream. U. S. v. 2 5-Gallon Cans of Cream (and 2 other seizure actions against cream). Consent decrees of condemnation and destruction.** (F. D. C. Nos. 5253, 5254, 5255. Sample Nos. 44710-E, 44711-E, 44712-E.)

This product was in whole or in part filthy, putrid, or decomposed.

On July 9, 11, and 14, 1941, the United States attorney for the District of Colorado filed libels against 6 5-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 7, 8, and 10, 1941, by various shippers as follows: Andy B. Wahlborg, Ellis, Kans.; A. E. Olson, Torrington, Wyo.; Alfred Heersink, Prairie View, Kans.; C. D. Heinzman, Sidney, Nebr.; Leslie Crouch, Leoti, Kans.; and Orval Ferguson, Republican City, Nebr.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

The consignee having admitted the allegations of the libels and having consented to the entry of orders for the immediate destruction of the product, decrees were entered accordingly on the same dates as the institution of the actions.

**2682. Adulteration of skim milk powder. U. S. v. 100 Cartons of Skim Milk Powder. Consent decree of condemnation. Product ordered released under bond for disposal as livestock feed.** (F. D. C. No. 5825. Sample No. 81648-E.)

Examination showed this product to contain insect fragments and nondescript dirt.

On September 24, 1941, the United States attorney for the District of Colorado filed a libel against 100 cartons of skim milk powder at Denver, Colo., consigned



by the Star Valley Creamery Co., alleging that the article had been shipped in interstate commerce on or about September 8, 1941, from Kemmerer, Wyo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cartons) "Armour's Skim Milk Powder Oven-Tested Spray Process 100 Lbs. Net."

On October 15, 1941, the claimant, Star Valley Creamery Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be manufactured into feed for livestock under the supervision of the Food and Drug Administration.

### EGGS

**Nos. 2683 to 2690** report actions based on interstate shipments of eggs that were found to be in whole or in part decomposed.

**2683. Adulteration of frozen eggs. U. S. v. Glacier Dairy. Plea of guilty. Fine, \$100.** (F. D. C. No. 4128. Sample Nos. 13638-E to 13641-E, incl.)

At the June term, 1941, the United States attorney for the District of Montana filed an information against Glacier Dairy, a corporation, Kalispell, Mont., alleging shipment on or about October 8, 1939, and March 24, 1940, from the State of Montana into the State of Washington of quantities of frozen eggs which were adulterated in that they consisted in whole or in part of a decomposed and putrid substance.

On November 13, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

**2684. Adulteration of frozen whole eggs. U. S. v. Gold Medal Dairies, Inc. Plea of guilty. Fine, \$500.** (F. D. C. No. 4127. Sample No. 12763-E.)

At the June 1941 term of court, the United States attorney for the District of Montana filed an information against Gold Medal Dairies, Inc., Missoula, Mont., alleging shipment on or about May 14, 1940, from the State of Montana into the State of California of a quantity of frozen whole eggs which were adulterated in that they consisted in whole or in part of a decomposed and putrid substance.

On October 8, 1941, the defendant entered a plea of guilty and a fine of \$500 was imposed.

**2685. Adulteration of frozen eggs. U. S. v. Idaho Egg Producers. Plea of guilty. Fine, \$100.** (F. D. C. No. 5558. Sample No. 53317-E.)

On February 2, 1942, the United States attorney for the District of Idaho filed an information against the Idaho Egg Producers, a corporation, at Caldwell, Idaho, alleging shipment on or about April 8, 1941, from the State of Idaho into the State of California of a quantity of frozen eggs that were adulterated in that they consisted in whole or in part of a filthy, putrid, and decomposed substance. The article was labeled in part: "Idah-O-Best Idaho Egg Producers Frozen Egg Meats Whole Eggs."

On February 10, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

**2686. Adulteration of frozen eggs. U. S. v. 25 Cans of Whole Eggs. Default decree of condemnation and destruction.** (F. D. C. No. 5667. Sample No. 57720-E.)

On September 10, 1941, the United States attorney for the Eastern District of Missouri filed a libel against 25 cans of frozen whole eggs at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 15, 1941, by John Coss from East St. Louis, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Whole Eggs 30 Lbs. Net."

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2687. Adulteration and alleged misbranding of frozen eggs. U. S. v. 103 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 5181. Sample No. 60161-E.)

Examination of this product showed the presence of putrid eggs. The cans in which it was contained were unlabeled.

On July 19, 1941, the United States attorney for the Western District of Washington filed a libel against 103 cans of frozen whole eggs at Vancouver, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about February 1 to on or about July 2, 1941, from Port-



land, Oreg., by A. R. Kirk Co.; and charging that it was adulterated and misbranded.

It is alleged to be adulterated in that it consisted in whole or in part of a putrid substance.

It was also alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer or distributor nor an accurate statement of the quantity of the contents. It was alleged to be misbranded further in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and its label failed to bear the name of the food specified in the definition and standard.

On January 24, 1942, A. R. Kirk having appeared as claimant, judgment was entered finding the product adulterated and ordering that it be condemned, and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The decomposed portion was segregated and destroyed.

**2688. Adulteration of frozen eggs. U. S. v. 67 Cans of Frozen Eggs. Default decree of condemnation and destruction.** (F. D. C. No. 5225. Sample No. 59001-E.)

On July 24, 1941, the United States attorney for the District of Columbia filed a libel against 67 cans of frozen eggs at Washington, D. C., alleging that the article had been shipped on or about April 8, 1941, by F. M. Stamper Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Whole Eggs 30 Lbs. Net Wt."

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2689. Adulteration of frozen eggs. U. S. v. 94 Cans and 84 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond to be reconditioned.** (F. D. C. No. 5323. Sample Nos. 60164-E, 60165-E.)

On August 5, 1941, the United States attorney for the District of Oregon filed a libel against 178 30-pound cans of frozen whole eggs at Portland, Oreg., alleging that the article had been shipped on or about April 18 and May 26, 1941, by the Washington Cooperative Poultry Association from Vancouver, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On September 15, 1941, Washington Cooperative Poultry Association having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. Subsequently the fit portion was segregated from the unfit and the latter was destroyed.

**2690. Adulteration of shell eggs. U. S. v. 12 Crates of Shell Eggs. Consent decree of condemnation. Product ordered released under bond for reconditioning.** (F. D. C. No. 5272. Sample No. 60464-E.)

On July 31, 1941, the United States attorney for the Eastern District of Washington filed a libel against 12 crates of shell eggs at Vancouver, Wash., alleging that the article had been shipped in interstate commerce on or about July 17, 1941, by A. R. Kirk from Canby, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The used crates containing the eggs were variously labeled.

On January 26, 1942, A. R. Kirk, Vancouver, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvage of any portion that was fit for food. The claimant was unable to salvage any worthwhile portion and the lot was destroyed.

## FISHERIES PRODUCTS

### SHELLFISH

**2691. Adulteration of crab meat. U. S. v. Octave J. Rabby (Silver Shell Oyster Co.). Tried to the court and a jury. Verdict of guilty. Fine of \$25 remitted.** (F. D. C. No. 2924. Sample No. 9771-E.)

This product was contaminated with filth.

On February 7, 1941, the United States attorney for the Southern District of Alabama filed an information against Octave J. Rabby, trading as Silver



Shell Oyster Co. at Coden, Ala., alleging delivery for shipment on or about June 20, 1940, from the State of Alabama into the State of Maryland, of a quantity of crab meat that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 9, 1942, the defendant having entered a plea of not guilty, the case came on for trial before the court and a jury. A verdict of guilty was returned and the court imposed a fine of \$25, which was remitted.

Nos. 2692 and 2693 report the seizure and disposition of crab meat that had been packed under insanitary conditions.

**2692. Adulteration of crab meat. U. S. v. 3 Barrels and 2 Barrels of Crab Meat. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5221, 5222. Sample Nos. 50849-E, 50850-E.)

On July 14, 1941, the United States attorney for the District of Maryland filed libels against 5 barrels of crab meat at Baltimore, Md., alleging that the article had been shipped on or about July 10, 1941, by John's Fish Market from Ocean Springs, Miss.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or whereby it might have been rendered injurious to health.

On August 18, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2693. Adulteration of crab meat. U. S. v. 4 Barrels of Crab Meat. Default decree of condemnation and destruction.** (F. D. C. No. 5169. Sample No. 50847-E.)

On July 9, 1941, the United States attorney for the District of Maryland filed a libel against 4 barrels of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 7, 1941, by Louis G. Ambos from Thunderbolt, Ga.; and charging that it was adulterated in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth, or whereby it might have been rendered injurious to health.

On August 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2694. Misbranding of crab meat. U. S. v. 28 Dozen Cans and 66 Cans of Crab Meat. Default decree of condemnation. Product ordered delivered to local charitable agency.** (F. D. C. No. 3523. Sample Nos. 34123-E, 34125-E.)

This product was falsely labeled as a product of Russia, whereas it had been packed in Japan.

On December 14, 1940, the United States attorney for the District of New Jersey filed a libel against the above-named product at Perth Amboy, N. J., alleging that it had been shipped by Mitsui Bussan Kaisha, Ltd., from Yokohama, Japan, on or about October 5, 1939, and June 24, 1940; and charging that it was misbranded. It was labeled in part: (Cans) "Flagstaff Crab Meat \* \* \* 6½ Oz. Avoir. \* \* \* Packed in U. S. S. R. Soviet Union."

It was alleged to be misbranded in that the statement "Packed in U. S. S. R. Soviet Union" was false and misleading as applied to an article packed in Japan.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable agency.

**2695. Adulteration of canned clams. U. S. v. 44 Cases of Canned Clams. Default decree of condemnation and destruction.** (F. D. C. No. 5190. Sample No. 51090-E.)

Examination of this product showed the presence of decomposed clams.

On July 22, 1941, the United States attorney for the District of Rhode Island filed a libel against 44 cases of canned clams at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about May 27, 1941, by R. K. Barter Canneries, Inc., from Stonington, Maine; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Deer Isle Brand Fancy Maine Clams."

On August 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2696 to 2704 report the institution of criminal proceedings and the judgments entered in actions based on shipment of oysters that were alleged to contain added water.



**2696. Alleged adulteration of oysters. U. S. v. Harry L. Conley (Leib Packing Co.). Plea of nolo contendere. Tried to the court. Judgment of not guilty.** (F. D. C. No. 4148. Sample Nos. 19127-E, 19667-E.)

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Harry L. Conley, trading as the Leib Packing Co. at Baltimore, Md., alleging shipment on or about November 18 and 19, 1940, from the State of Maryland into the States of New York and Ohio of quantities of oysters which were alleged to be adulterated. The article was labeled in part: "Sun Brand Real Quality Oysters."

It was alleged to be adulterated in that a substance, water, had been substituted in part for oysters; and in that water had been added thereto and mixed and packed therewith so as to increase its bulk and weight, and reduce its quality and strength, and make it appear better and of greater value than it was.

On October 3, 1941, the defendant having entered a plea of nolo contendere, the court entered judgment of not guilty.

**2697. Alleged adulteration of oysters. U. S. v. Stephen Lee Collier and James Herman White (Crisfield Sea Food Co. and J. H. White Co.). Pleas of nolo contendere. Tried to the court. Judgment of not guilty.** (F. D. C. No. 4181. Sample Nos. 19122-E, 50632-E.)

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Stephen Lee Collier and James Herman White, copartners, trading as Crisfield Sea Food Co. and as J. H. White Co. at Baltimore, Md., alleging shipment on or about November 18 and 26, 1940, from the State of Maryland into the States of Pennsylvania and Ohio of quantities of oysters which were alleged to be adulterated in that water had been substituted in part for oysters; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 3, 1941, the defendants having entered pleas of nolo contendere, the court entered judgment finding the defendants not guilty.

**2698. Alleged adulteration of oysters. U. S. v. W. Paul Hickman and Alonzo T. Sterling (Hickman & Sterling). Pleas of nolo contendere. Tried to the court. Judgment of not guilty.** (F. D. C. No. 4149. Sample Nos. 19763-E, 19788-E, 42315-E, 42316-E.)

On September 16, 1941, the United States attorney for the District of Maryland filed an information against W. Paul Hickman and Alonzo T. Sterling, copartners trading as Hickman & Sterling, Crisfield, Md., alleging shipment within the period from on or about November 19 to on or about December 17, 1940, from the State of Maryland into the State of Pennsylvania of quantities of canned oysters which were alleged to be adulterated.

The article was alleged to be adulterated in that a substance, water, had been substituted in part for oysters; and in that water had been added thereto or had been mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 3, 1941, the defendants having entered pleas of nolo contendere, the court entered judgment finding the defendants not guilty.

**2699. Alleged adulteration of oysters. U. S. v. Thos. E. Jones & Co. Plea of nolo contendere. Tried to the court. Judgment of not guilty.** (F. D. C. No. 4147. Sample Nos. 5534-E, 5535-E, 39255-E.)

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Thos. E. Jones & Co., a corporation, Cambridge, Md., alleging shipment on or about November 18 and December 11, 1940, from the State of Maryland into the States of Ohio and Illinois of quantities of oysters which were alleged to be adulterated.

The article was alleged to be adulterated in that a substance, water, had been substituted in part for oysters; and in that water had been added thereto and mixed and packed therewith so as to increase its bulk and weight, and reduce its quality and strength, and make it appear better and of greater value than it was.

On October 3, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court entered judgment of not guilty.

**2700. Alleged adulteration of oysters. U. S. v. Joseph C. Lore, Joseph C. Lore, Jr., and Gordon I. R. Lore (J. C. Lore & Sons). Pleas of nolo contendere. Tried to the court. Judgment of not guilty.** (F. D. C. No. 5497. Sample Nos. 19383-E to 19386-E, incl., 42506-E.)

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Joseph C. Lore, Joseph C. Lore, Jr., and Gordon I. R. Lore, copartners trading as J. C. Lore & Sons at Solomons, Md.,



alleging shipment within the period from on or about March 7 to on or about March 24, 1941, from the State of Maryland into the State of Pennsylvania of quantities of oysters that were adulterated.

The article was alleged to be adulterated in that a substance, water, had been substituted in part for oysters, which it purported to be; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 3, 1941, pleas of nolo contendere having been entered on behalf of the defendants, the court entered judgment of not guilty.

**2701. Alleged adulteration of oysters. U. S. v. Charles C. Bevans and Samuel R. Schley (Travers Bros. Co.). Plea of nolo contendere. Tried to the court. Judgment of not guilty.** (F. D. C. No. 4134. Sample Nos. 19137-E, 19138-E, 19317-E, 19343-E, 37123-E, 42306-E.)

On June 13, 1941, the United States attorney for the District of Maryland filed an information against Charles C. Bevans and Samuel R. Schley, co-partners, trading as Travers Bros. Co., Baltimore, Md., alleging shipment within the period from on or about November 16 to on or about December 17, 1940, from the State of Maryland into the States of Pennsylvania and Georgia of quantities of canned oysters which were alleged to be adulterated. The article was labeled in part: "Blue Cross Brand \* \* \* Fresh Oysters."

The article was alleged to be adulterated in that water had been substituted in part therefor; and in that water had been added thereto and mixed and packed therewith so as to increase its bulk and weight and reduce its quality and strength and make it appear better and of greater quality than it was.

On October 3, 1941, a plea of nolo contendere having been entered on behalf of the defendants, the court entered judgment of not guilty.

**2702. Alleged adulteration of oysters. U. S. v. Union Fish Co. and John H. Leonard. Pleas of nolo contendere. Tried to the court. Judgment of not guilty.** (F. D. C. No. 4140. Sample Nos. 19299-E, 19996-E, 42302-E.)

On September 16, 1941, the United States attorney for the District of Maryland filed an information against the Union Fish Co., a corporation, Baltimore, Md., and John H. Leonard, alleging shipment on or about November 16 and 18 and December 9, 1940, from the State of Maryland into the State of Pennsylvania of quantities of oysters which were alleged to be adulterated.

The article was alleged to be adulterated in that water had been substituted in part for oysters; and in that water had been added thereto and mixed and packed therewith so as to increase its bulk and weight, and reduce its quality and strength, and make it appear better and of greater value than it was.

On October 3, 1941, the defendants having entered pleas of nolo contendere, the court entered judgment of not guilty.

**2703. Alleged adulteration of oysters. U. S. v. Charles W. Ward, Zach Ward, and Raymond K. Ward (Z. Ward & Son). Pleas of nolo contendere. Tried to the court. Judgment of not guilty.** (F. D. C. No. 5499. Sample Nos. 19360-E, 19361-E.)

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Charles W. Ward, Zach Ward, and Raymond K. Ward, copartners trading as Z. Ward & Son at Crisfield, Md., alleging shipment on or about January 27, 1941, from the State of Maryland into the State of Pennsylvania of a quantity of oysters that were adulterated. They were labeled in part: "Ward's Delicious Salt Water Oysters."

The article was alleged to be adulterated in that a substance, water, had been substituted in part for oysters, which it purported to be; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 3, 1941, pleas of nolo contendere having been entered on behalf of the defendants, the court entered judgment of not guilty.

**2704. Alleged adulteration of oysters. U. S. v. Murray E. Ward (Crisfield Packing Co. and Ward Oyster Co.). Plea of nolo contendere. Tried to the court. Judgment of not guilty.** (F. D. C. No. 5498. Sample Nos. 19139-E, 19140-E, 19144-E, 19145-E, 24936-E, 24937-E, 42311-E, 42312-E.)

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Murray E. Ward, trading as Crisfield Packing Co. and Ward Oyster Co. at Crisfield, Md., alleging shipment on or about December 10, 12, and 16, 1940, from the State of Maryland into the State of Pennsylvania of quantities of oysters that were adulterated.

The article was alleged to be adulterated in that a substance, water, had been substituted in part for oysters, which it purported to be; and in that



water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 3, 1941, the defendant having entered a plea of nolo contendere, the court entered judgment of not guilty.

**2705. Adulteration of oysters. U. S. v. Paul C. Stamm (Weems Seafood Co.).**  
**Plea of guilty. Fine, \$50.** (F. D. C. No. 4153. Sample Nos. 5533-E, 27497-E, 27526-E, 27533-E, 27534-E, 27825-E.)

Examination of these oysters showed that they contained added water.

On September 19, 1941, the United States attorney for the Eastern District of Virginia filed an information against Paul C. Stamm, trading as the Weems Seafood Co., Irvington, Va., alleging shipment within the period from on or about November 16 to on or about December 14, 1940, from the State of Virginia into the States of Ohio and Kentucky, of quantities of oysters which were adulterated in that water had been substituted in part for oysters and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 21, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

**2706. Adulteration and misbranding of canned oysters. U. S. v. 198 Cases, 98 Cases, and 98 Cases of Canned Oysters. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 5238. Sample Nos. 49211-E to 49213-E, incl.)

Examination showed that this product contained excessive brine.

On July 31, 1941, the United States attorney for the Northern District of Illinois filed a libel against 394 cases of canned oysters at Chicago, Ill., alleging that the article had been shipped on or about June 26, 1941, by Kuluz Bros. Packing Co. from Biloxi, Miss.; and charging that it was adulterated and that portions were also misbranded. It was labeled in part: (Cans) "Foodcraft Brand Oysters," "Fargo Brand Cove Oysters," or "IGA \* \* \* Cove Oysters."

The article was alleged to be adulterated in that brine had been substituted wholly or in part for oysters.

Portions of the article were alleged to be misbranded in that the statements "Net Weight of Oyster Meat 5 Oz." and "Contents 5 Oz. Avd. Oyster Meat," were false and misleading since the cans contained less than that amount of oyster meat. They were alleged to be misbranded further in that they were in package form and did not bear a label containing an accurate statement of the quantity of contents.

On November 14, 1941, the Callerman Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

#### FROZEN FISH

Nos. 2707 to 2716 report the seizure and disposition of frozen fish that was in whole or in part decomposed.

**2707. Adulteration of frozen whiting. U. S. v. Gloucester Seafoods Corporation.**  
**Plea of guilty. Fine, \$250.** (F. D. C. No. 4118. Sample Nos. 27474-E, 27488-E, 31861-E, 31863-E, 31864-E, 35085-E, 44441-E.)

On September 11, 1941, the United States attorney for the District of Massachusetts filed an information against Gloucester Seafoods Corporation, Gloucester, Mass., alleging shipment within the period from on or about June 1 to on or about September 29, 1940, from the State of Massachusetts into the States of Texas, Ohio, Colorado, and Illinois, of quantities of frozen whiting which was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Frosted H & G Whiting Gloucester Seafoods Corp. Gloucester, Mass.," or "Butterfly Whiting Packed at Gloucester, Mass. For Geo H. Thomas, Inc."

On January 6, 1942, a plea of guilty was entered on behalf of the defendant and a fine of \$250 was imposed.

**2708. Alleged adulteration of red perch fillets. U. S. v. John Wootton (New Fish Co. and New Fisheries). Plea of not guilty. Case tried to the court; judgment of not guilty.** (F. D. C. No. 4168. Sample No. 16311-E.)

On November 17, 1941, the United States attorney for the Northern District of Oklahoma filed an information against John Wootton, trading as New Fish Co., and New Fisheries, at Tulsa, Okla., alleging shipment on or about July 26, 1940, from the State of Oklahoma into the State of Illinois, of quantities of fish which



was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, namely, red perch fillets infested with parasites. The article was labeled in part: "Fish Fillets Deep Sea Brand T. & J. Busalacchi Inc. Boston, Mass."

On March 10, 1942, the defendant having entered a plea of not guilty and having waived the jury, the case came on for trial before the court. After hearing the evidence, the court entered judgment finding the defendant not guilty and ordered his discharge.

**2709. Adulteration of frozen fish. U. S. v. 128 Boxes of Frozen Whiting (and 3 other seizure actions against frozen fish). Decrees ordering that portions of the products be released under bond for salvaging of the good portion; remainder ordered destroyed.** (F. D. C. Nos. 5614, 5786, 5977, 6026. Sample Nos. 58356-E, 58891-E, 62290-E, 64329-E, 64338-E.)

Between August 20 and October 14, 1941, the United States attorneys for the Western District of Wisconsin, Western District of Pennsylvania, and the Northern District of Illinois filed libels against the following quantities of frozen fish: 320 15-pound boxes of whiting at Madison, Wis., 80 15-pound boxes of haddock at Pittsburgh, Pa., and 466 15-pound boxes of pollack at Chicago, Ill., alleging that the articles had been shipped within the period from on or about July 21 to on or about September 30, 1941, by F. J. O'Hara & Sons, Inc., from Boston, Mass., and Portland, Maine; and charging that they were adulterated in that they consisted wholly or in part of decomposed substances. The articles were labeled in part: "H and G Maine Whiting," "Sm. Hadd Fillets," or "Pollock Fillets Packed by Portland Fish Co. Portland Me."

On September 26 and November 14, 1941, F. J. O'Hara & Sons, Inc., and the Portland Fish Co., claimants respectively for the lots seized at Pittsburgh and Chicago, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond for salvaging the good portion under the supervision of the Food and Drug Administration. On October 7 and November 11, 1941, no claimant having appeared for the fish seized at Madison, judgment of forfeiture was entered and the product was ordered destroyed.

**2710. Adulteration of frozen fish. U. S. v. 589 Boxes of Frozen Fillets (and 2 other seizure actions against frozen fish). Consent decrees of condemnation. Products ordered released under bond.** (F. D. C. Nos. 5466, 5618, 5773. Sample Nos. 42966-E, 42968-E, 42978-E, 42981-E, 64326-E, 64332-E, 64337-E, 79112-E.)

Examination of this product showed the presence of decomposed and putrid fish, a part of which was also parasite-infested.

On August 28 and September 5 and 22, 1941, the United States attorneys for the Western District of Pennsylvania and the Southern District of Ohio filed libels against 1,558 15-pound boxes of frozen haddock and 392 5-pound cartons of frozen perch at Pittsburgh, Pa., and 1,185 15-pound boxes of frozen whiting at Cincinnati, Ohio, alleging that the articles had been shipped within the period from on or about June 21 to on or about August 28, 1941, by Henry & Close, Inc., from Boston, Mass.; and charging that they were adulterated in that they consisted wholly or in part of filthy or decomposed substances. The articles were labeled in part: "Frozen Fillets \* \* \* Small Haddock [or 'H & G Whiting']"; or "Blue Sea Brand ' \* \* \* Ocean Perch Fillets."

On October 8 and 14, 1941, Henry & Close, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2711. Adulteration of frozen perch. U. S. v. 200 Boxes of Frozen Perch. Decree of condemnation and destruction.** (F. D. C. No. 5472. Sample No. 67271-E.)

On August 28, 1941, the United States attorney for the Southern District of Iowa filed a libel against 200 boxes, each containing 2 5-pound cartons, of frozen perch at Burlington, Iowa, alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by Mariner's Fish Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Taste o' Sea Tenderloins \* \* \* Ocean Perch."

On October 11, 1941, the consignee having consented to the immediate destruction of the product, judgment of condemnation and destruction was entered.



**2712. Adulteration of cod fillets. U. S. v. 724 Boxes of Frosted Cod Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5433. Sample Nos. 74222-E, 74223-E.)**

On August 25, 1941, the United States attorney for the Southern District of New York filed a libel against 724 boxes of frosted cod fillets at Bronx, N. Y., alleging that the article had been shipped in interstate commerce on or about August 11, 1941, by George B. Hamblen, from Boston, Mass.; and charging that it was adulterated in that it was in whole or in part decomposed. It was labeled in part: "Sprayblown Frosted Cod Fillets."

On September 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2713. Adulteration of frozen fish. U. S. v. 5 Cartons of Frozen Pollack Fillets. Default decree of condemnation and destruction. (F. D. C. No. 5692. Sample Nos. 64313-E, 64325-E.)**

On September 12, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 5 cartons of pollack fillets at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 24, 1941, by Gorton-Pew Fisheries Co., Ltd., from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Gorton's Famous Seafoods \* \* \* Blue Seal Pollack."

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2714. Adulteration of frozen fish. U. S. v. 1,914 Boxes, 250 Pans, and 1,601 Boxes of Frozen Whiting. Default decrees of condemnation and destruction. (F. D. C. Nos. 5852, 5972. Sample Nos. 62100-E, 62770-E.)**

On September 27 and October 7, 1941, the United States attorney for the Eastern District of Wisconsin filed libels against 3,515 boxes each containing 15 pounds of H & G whiting, and 250 pans of frozen whiting in slabs of about 25 pounds each, at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about August 29 and September 4, 1941, by Commonwealth Ice & Cold Storage Co. from Boston, Mass., the 1,914 boxes and 250 pans having been invoiced by Joseph A. Rich Co.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On November 10 and 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2715. Adulteration of frozen whiting. U. S. v. 487 Boxes of Frozen Whiting. Default decree of destruction. (F. D. C. No. 5992. Sample No. 73291-E.)**

On or about October 10, 1941, the United States attorney for the Western District of Missouri filed a libel against 487 boxes, each containing 15 pounds of frozen whiting at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 30, 1941, by Fire Companies Adjustment Bureau from Tulsa, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "H & G Whiting Frosted Fish Packed by Progressive Fillett Co. Gloucester, Mass."

On December 8, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**2716. Adulteration of frozen whiting. U. S. v. 417 Boxes of Frozen Fish. Default decree of condemnation and destruction. (F. D. C. No. 5590. Sample No. 79103-E.)**

On August 29, 1941, the United States attorney for the Southern District of Indiana filed a libel against 417 boxes of fish at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about August 18, 1941, by the Great A & P Tea Co. from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Boxes) "Cape Anne Brand Headed and Dressed Whiting."

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2717. Adulteration of frozen perch. U. S. v. 20 Boxes of Red Perch. Default decree of condemnation and destruction. (F. D. C. No. 5675. Sample No. 37088-E.)**

This product was found to be infested with parasites.

On September 11, 1941, the United States attorney for the Western District of North Carolina filed a libel against 20 boxes of frozen red perch at Charlotte,



N. C., alleging that the article had been shipped in interstate commerce on or about August 15, 1941, by Cape Ann Fisheries, Inc., from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "10 Lbs. Net Red Perch."

On December 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### CANNED SALMON

**2718. Misbranding of canned salmon. U. S. v. Wetterau Grocer Co., Inc. Plea of nolo contendere. Fine, \$250.** (F. D. C. No. 4196. Sample No. 30948-E.)

This product consisted of Coho salmon and not of Chinook salmon as represented.

On October 31, 1941, the United States attorney for the Eastern District of Missouri filed an information against Wetterau Grocer Co., Inc., St. Louis, Mo., alleging shipment on or about September 13, 1940, from the State of Missouri into the State of Illinois of a quantity of canned salmon which was misbranded.

The article was alleged to be misbranded in that the statement "Columbia River Chinook Natural Red Color Salmon," appearing in the labeling, was false and misleading since it represented that the article consisted of Chinook salmon, whereas it consisted of Coho, a different variety of salmon; and in that it was offered for sale under the name of another food.

On February 10, 1942, a plea of nolo contendere was entered on behalf of the defendant and a fine of \$250 was imposed.

**2719. Adulteration of canned salmon. U. S. v. 833 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for reconditioning and relabeling.** (F. D. C. No. 5772. Sample Nos. 22659-E, 22666-E, 22667-E, 22668-E.)

A portion of this product was found to be decomposed.

On September 20, 1941, the United States attorney for the Northern District of California filed a libel against 833 cases of canned salmon at Alameda, Calif., alleging that the article had been shipped in interstate commerce on or about August 5, 1941, by Alaska Packers Association from Clark's Point, Alaska; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 2, 1941, the Alaska Packers Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

#### FRUITS AND VEGETABLES

##### FRESH FRUITS

**2720. Adulteration of apples. U. S. v. 55 50, and 75 Bushel Baskets of Apples. Consent decree of condemnation. Product released under bond for washing and reconditioning.** (F. D. C. No. 6316. Sample Nos. 71312-E, 71313-E, 71314-E.)

These apples bore spray residue containing excessive amounts of arsenic and lead.

On or about November 12, 1941, the United States attorney for the Western District of Missouri filed a libel against 180 bushels of apples at Eldon, Mo., alleging that the article had been shipped in interstate commerce on or about October 20, 1941, by the Springfield Produce Co. from East Hardin, Ill.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, namely, arsenic and lead, which might have rendered it injurious to health.

On November 14, 1941, the Mallin Produce Co., Kansas City, Mo., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by washing, under the supervision of the Food and Drug Administration.

Nos. 2721 to 2727 report the seizure and disposition of blueberries and huckleberries that contained maggots.

**2721. Adulteration of blueberries. U. S. v. 11 Crates and 2 Crates of Blueberries. Default decree of condemnation and destruction.** (F. D. C. No. 5271. Sample No. 74294-E.)

On August 4, 1941, the United States attorney for the District of New Jersey filed a libel against 11 crates each containing 24 quarts, and 2 crates each



containing 32 quarts of blueberries at Newark, N. J., alleging that the article had been shipped on or about July 27, 1941, by Altemose Bros. from Albrightsville, Pa.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Selected Pocono Mountain Blueberries."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2722. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 5700. Sample No. 69617-E.)**

On August 18, 1941, the United States attorney for the Southern District of New York filed a libel against 4 crates, each containing approximately 12 pints, of blueberries at New York, N. Y., alleging that the article had been shipped on or about August 13, 1941, by Russell Bush from Pemberton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2723. Adulteration of blueberries. U. S. v. 7 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 5699. Sample No. 69616-E.)**

On August 18, 1941, the United States attorney for the Southern District of New York filed a libel against 7 crates, each containing approximately 12 pints, of blueberries at New York, N. Y., alleging that the article had been shipped on or about August 11, 1941, by Russell Grover, Pemberton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: (Tag) "Fancy Blueberries."

On September 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2724. Adulteration of blueberries. U. S. v. 15 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 5270. Sample No. 74293-E.)**

On August 4, 1941, the United States attorney for the District of New Jersey filed a libel against 15 crates, each containing 24 quart baskets, of blueberries at Newark, N. J., alleging that the article had been shipped on or about July 25, 1941, by Michael Pasteelnick from Albrightsville, Pa.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Selected Pocono Mountain Blueberries Altemose Brothers Albrightsville Pennsylvania."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2725. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 5370. Sample No. 74297-E.)**

On August 6, 1941, the United States attorney for the Southern District of New York filed a libel against 5 crates, each containing 24 quarts, of blueberries at New York, N. Y., alleging that the article had been shipped on or about August 3, 1941, by Carlton Yates from Vincentown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2726. Adulteration of huckleberries. U. S. v. 25 Baskets of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 5333. Sample No. 42066-E.)**

On July 30, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 25 baskets, each containing 12 quarts, of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped on or about July 25, 1941, by R. A. Gochenour from Rileyville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2727. Adulteration of huckleberries. U. S. v. 50 Baskets of Huckleberries. Default decree of condemnation and destruction.** (F. D. C. No. 5334. Sample No. 42067-E.)

On July 30, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 50 baskets, each containing 12 quarts, of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped on or about July 25, 1941, by James Keyser from Rileyville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FROZEN STRAWBERRIES

**2728. Adulteration of frozen strawberries. U. S. v. 56 Barrels of Frozen Strawberries. Consent decree of condemnation. Product ordered released under bond for salvaging.** (F. D. C. No. 5658. Sample No. 66406-E.)

Examination showed that this product contained moldy berries.

On September 15, 1941, the United States attorney for the Northern District of Illinois filed a libel against 56 barrels, each containing 440 pounds, of frozen strawberries at Chicago, Ill., alleging that the article had been shipped on or about July 17, 1941, by Kelley, Farquhar & Co. from Tacoma, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Sparklets Brand Marshall Strawberries Unclassified."

On October 14, 1941, H. B. Salmon & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the fit portion under the supervision of the Food and Drug Administration.

#### CANNED FRUITS AND VEGETABLES

**2729. Misbranding of canned cherries. U. S. v. 99 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 5346. Sample No. 60476-E.)

Examination showed that this product failed to conform to the standard of quality for canned cherries because of the presence of more than 1 pit per each 20 ounces of cherries, and more than 15 percent of the cherries in the container were blemished. The product also fell below the standard of fill of container.

On August 12, 1941, the United States attorney for the Northern District of California filed a libel against 99 cases, each containing 6 No. 10 cans, of cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by Seufert Bros. Packing Co. from The Dalles, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Klondike Brand Red Sour Pitted Cherries in Water."

The article was alleged to be misbranded (1) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard; and (2) in that it purported to be a food for which a standard of fill of container had been prescribed by regulations as provided by law, but it fell below the standard of fill of container applicable thereto and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 23, 1941, Seufert Bros. Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2730. Misbranding of canned cherries. U. S. v. 45 Cases and 47 Cases of Canned Cherries. Decrees of condemnation. Portion of product released under bond to be relabeled; remainder ordered destroyed.** (F. D. C. Nos. 5780, 5781. Sample Nos. 65856-E, 65862-E.)

Examination showed that this product was substandard because of excessive pits.

On September 24 and October 27, 1941, the United States attorneys for the District of Nebraska and the District of Wyoming filed libels against 45 cases of canned cherries at Scotts Bluff, Nebr., and 47 cases at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about March 6 and June 24, 1941, by Loveland Canning Co. from Loveland, Colo.;



and charging that it was misbranded. It was labeled in part: (Cans) "Golden Valley Red Pie Cherries Sour Pitted (Packed in Water) Distributed by Nash-Finch Co. Minneapolis, Minn."; or "Loveland Brand Water Pack Red Tart Pitted Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard in that more than 1 pit was present in each 20 ounces of canned cherries, and its label did not bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 12, 1941, Loveland Canning Co., claimant for the seizure at Cheyenne, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration. On November 22, 1941, no claimant having appeared for the seizure at Scotts Bluff, judgment of condemnation was entered and the product was ordered destroyed.

**2731. Adulteration and misbranding of canned peaches. U. S. v. 299 Cases, 699 Cases, 299 Cases, and 499 Cases of Canned Peaches. Consent decree of condemnation. Portion of product ordered delivered to a local charitable institution; remainder ordered destroyed. (F. D. C. No. 5387. Sample Nos. 27841-E to 27844-E, incl.)**

Three lots of this product contained worm-damaged peaches. The peaches in two lots were substandard because the weight of the largest unit in the container was more than twice the weight of the smallest unit therein; and the product in one of these two lots was also substandard because of hard pieces, more than 20 percent of the units in the container were blemished, and the units were not untrimmed or so trimmed as to preserve their normal shape.

On August 16, 1941, the United States attorney for the Western District of Kentucky filed a libel against 1,796 cases of peaches at Henderson, Ky., alleging that the article had been shipped in interstate commerce on or about July 9 and 11, 1941, by the Georgia Canning Co. from Wayside, Ga.; and charging that two lots were adulterated, one lot was misbranded, and one lot was both adulterated and misbranded. The article was labeled in part: (Cans) "Shaver's Brand \* \* \* Peaches Contents 1 Lb. 13 Ozs. [or "1 Lb. 12 Ozs."];" or "Tuckahoe Brand Peaches Contents 1 Lb. 12 Oz."

The article in three lots was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

That in two lots was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On February 4, 1942, Georgia Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reexamination of the adulterated peaches in order that those found to be unadulterated might be salvaged and that those misbranded might be relabeled under the supervision of the Food and Drug Administration. On April 2, 1942, the claimant having failed to give bond or comply with the orders in the consent decree, judgment was entered ordering that the portion of the product which was misbranded only be delivered to a local charitable institution and that the remainder be destroyed.

**2732. Misbranding of canned peaches. U. S. v. 588 Cases of Canned Peaches. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5848. Sample No. 70003-E.)**

This product did not comply with the requirements of the standard with respect to uniformity of size, since the weight of the largest unit in the container was more than twice the weight of the smallest unit and all units were not untrimmed or so trimmed as to preserve normal shape.

On or about September 28, 1941, the United States attorney for the Southern District of Florida filed a libel against 588 cases of canned peaches at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about August 4 and 8, 1941, by William F. Pendelton Co., Inc., from Valdosta, Ga.; and charging that it was misbranded. It was labeled in part: (Cans) "Silver Dawn Brand Tree Ripened Yellow Freestone Peaches \* \* \* Halves in Light Syrup \* \* \* Packed by Walter D. Ross Co. Adel, Ga."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law



but its quality fell below such standard, and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 6, 1941, the W. D. Ross Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled in compliance with the law and that the label must include the statement, "Mixed Pieces of Irregular Sizes and Shapes."

**2733. Misbranding of canned pears. U. S. v. 25 Cases of Canned Pears. Default decree of forfeiture and destruction. (F. D. C. No. 4741. Sample No. 60564-E.)**

These pears were not tender and were excessively trimmed and thereby fell below the standard of quality prescribed by regulations as provided by the Federal Food, Drug, and Cosmetic Act; but their labels did not bear in such manner and form as the regulations specify, a statement that they fell below such standard, viz, "Below Standard in Quality—Good Food—Not High Grade." This product also failed to conform to the prescribed definition and standard of identity for canned pears because its label did not bear the name of the optional pear ingredient, viz, "Pear Halves"; nor the name of the optional liquid packing medium, viz, "Medium Sirup."

On May 9, 1941, the United States attorney for the District of Idaho filed a libel against 25 cases, each containing 6 No. 10 cans, of pears at Lewiston, Idaho, alleging that the article had been shipped on or about September 24, 1940, by F. W. Dustan & Son from Clarkston, Wash.; and charging that it was misbranded. It was labeled in part: "Juliaetta Brand Pears."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but it was substandard in quality [for tenderness] because a weight of more than 300 grams was required to pierce each of the units tested, and [for trim] in that the halves were trimmed so excessively that their normal shape was not preserved; and the label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

It was alleged to be misbranded further in that it purported to be a food for which a definition and standard of identity had been prescribed, but it failed to conform to such standard because its label did not bear the name of the optional pear ingredient and of the optional liquid packing medium present therein.

On June 4, 1941, no claimant having appeared, judgment of forfeiture was entered, and the product was ordered destroyed.

**2734. Misbranding of canned corn. U. S. v. 750 Cases of Canned Corn (and 3 other seizures of canned corn). Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 4444, 4510. Sample Nos. 14297-E, 69019-E to 69021-E, incl.)**

This corn not only was overmature, but a portion was found to contain kernels that were off color and off flavor because of scorching. A portion that was labeled "Country Gentleman Corn" failed to bear on the label the name of the food specified in the definition and standard of identity, that is, "White Sweet Corn," "White Corn," or "White Sugar Corn."

On April 23 and 25, 1941, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania filed libels against 941 cases each containing 24 No. 2 cans of corn at Newark, N. J., and 750 cases each containing 24 No. 2 cans of corn at East Lansdowne, Pa., alleging that the article had been shipped on or about December 21, 1940, and January 27, 1941, by Stoops Packing Co. from Van Wert, Ohio; and charging that it was misbranded. It was labeled in part: "Uco Our Best [or "The Better"] Grade Fancy Cream Style Golden [or "Country Gentleman"] Sweet Corn"; or "Tigo Brand Fancy Cream Style Golden Sweet Corn."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article (750 cases) that was not Fancy because of the presence of overmature corn; (850 cases) that was not Fancy because of the presence of overmature corn and of off color and flavor due to scorching; and (91 cases) that was not Fancy because of the presence of old and tough kernels. A portion of the product was alleged to be misbranded further in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but the labels failed to bear the name of the food specified in the definition and standard.

On May 12 and 14, 1941, Stoops Packing Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the



product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2735. Adulteration of canned peas and carrots. U. S. v. 20 Cases of Canned Peas and Carrots. Default decree of condemnation and destruction. (F. D. C. No. 5775. Sample No. 61365-E.)**

Examination of this product showed that the peas contained weevils.

On September 20, 1941, the United States attorney for the District of Oregon filed a libel against 20 cases of canned peas and carrots at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about August 16, 1941, by Nelson Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: (Cans) "Dinette \* \* \* Dried Sweet Peas and Diced Carrots."

On November 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2736 and 2737 report the seizure and disposition of canned peas that fell below the standard of quality for canned peas because of excessive meakiness, as evidenced by the fact that their alcohol-insoluble solids were more than 23.5 percent, and they were not labeled to indicate that they were of substandard quality.

**2736. Misbranding of canned peas. U. S. v. 89 Cases of Canned Peas (and 3 other seizure actions against canned peas). Decrees of condemnation. Portion of product ordered released under bond to be relabeled; remainder ordered distributed to charitable institutions. (F. D. C. Nos. 5816, 5834, 5878, 6338. Sample Nos. 56288-E, 74040-E, 74487-E, 74833-E.)**

On or about September 24 and 29 and on December 3, 1941, the United States attorneys for the District of New Jersey and the District of Connecticut filed libels against 89 cases each containing 24 No. 2 cans of peas at Jersey City, 323 cases each containing 24 No. 2 cans of peas at Clifton, and 1,053 cases each containing 24 No. 2 cans of peas at Irvington, N. J., and 29 cases each containing 24 No. 2 cans of peas at New Haven, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about February 17 to on or about June 24, 1941, by Lineboro Canning Co., in part from Baltimore and in part from Lineboro, Md.; and charging that it was misbranded. It was labeled in part: (Cans) "Rugby [or "Taste Best"] Brand Early June Peas Packed By Lineboro Canning Co., Inc. Lineboro, Md.," or "Cargo Early June Peas \* \* \* United Grocery Co. Distributors Irvington, N. J."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On December 18 and 23, 1941, no claimant having appeared for the product seized at Jersey City and New Haven, judgments of condemnation were entered and it was ordered distributed to charitable institutions on condition that the labels first be destroyed. On December 23, 1941, and March 25, 1942, Lineboro Canning Co., claimant for the 323 cases seized at Clifton, and United Grocery Co., claimant for the 1,053 cases seized at Irvington, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**2737. Misbranding of canned peas. U. S. v. 66 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3589. Sample No. 28967-E.)**

On December 28, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 66 cases of canned peas at Charles Town, W. Va., alleging that the article had been shipped in interstate commerce on or about July 6 and 15, 1940, by D. C. Winebrener & Son, Inc., to the place of business of the shipper, Charles Town, W. Va.; and charging that it was misbranded. The article was labeled in part: "Carroll County Brand Early June Peas Contents 1 Lb. 4 Ozs. Packed by Bankert Bros. Hampstead, Md."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below the said standard.



On January 29, 1942, no claimant having appeared, judgment was entered finding the product misbranded but providing that it be delivered to a charitable institution for the use of that institution.

**2738. Adulteration of canned spinach. U. S. v. 83 Cases of Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 5080. Sample No. 25729-E.)

Examination showed that this product was undergoing active chemical decomposition.

On July 3, 1941, the United States attorney for the Middle District of Alabama filed a libel against 83 cases, each containing 6 cans, of spinach at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by George F. Porbeck Brokerage Co. from Little Rock, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "D and W \* \* \* Contents 6 Lbs. 2 Ozs. Spinach Packed By Dodgen & Wilson Canning Co. Barton, Ark."

On October 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2739. Adulteration of canned spinach. U. S. v. 800 Cases of Canned Spinach. Default decree of condemnation and destruction.** (F. D. C. No. 5602. Sample Nos. 79827-E, 79828-E.)

This product had undergone chemical decomposition and was otherwise unfit for food because of its metallic and astringent taste.

On August 30, 1941, the United States attorney for the Southern District of Ohio filed a libel against 800 cases of canned spinach at Lebanon, Ohio, alleging that the article had been shipped in interstate commerce on or about June 23 and July 10, 1941, by Wilson Canning Co. from Barton, Ark.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance and was otherwise unfit for food. The article was unlabeled.

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### TOMATOES AND TOMATO PRODUCTS

**Nos. 2740 to 2752 (except 2741)** report actions based on the shipment of tomatoes and tomato products that contained decomposed material, as evidenced by the presence of excessive mold.

**2740. Adulteration of tomato catsup. U. S. v. Fettig Canning Corporation. Plea of guilty. Fine, \$100.** (F. D. C. No. 4192. Sample Nos. 29446-E, 43241-E, 47446-E, 62416-E.)

On February 11, 1942, the United States attorney for the Southern District of Indiana filed an information against Fettig Canning Corporation, alleging shipment within the period from on or about October 24, 1940, to on or about May 22, 1941, from the State of Indiana into the States of Ohio, Oklahoma, and Illinois, of quantities of tomato catsup that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sunbeam Tomato Catsup Francis H. Leggett & Co. Distributors, New York, N. Y."; "Belle Isie \* \* \* Tomato Catsup \* \* \* Distributed By Collins-Dietz-Morris Co. Oklahoma City, Tulsa, Lawton"; or "Tolman's Tomato Catsup \* \* \* Distributed By \* \* \* The Warfield Company Chicago, Ill."

On April 17, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

**2741. Adulteration of tomato catsup and chili sauce. U. S. v. Kern Food Products, Inc. Plea of nolo contendere. Fine, \$250.** (F. D. C. No. 5576. Sample Nos. 53224-E, 60265-E.)

These products contained worm and insect fragments.

On March 11, 1942, the United States attorney for the Southern District of California filed an information against Kern Food Products, Inc., a corporation, Los Angeles, Calif., alleging shipment on or about March 31 and May 20, 1941, from the State of California into the States of Washington and Arizona, of quantities of tomato catsup and chili sauce that were adulterated. The articles were labeled in part: "Kern's Pure Chili Sauce," or "California Club Pure Tomato Catsup."



Both products were alleged to be adulterated in that they consisted in whole or in part of filthy substances.

On March 30, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

**2742. Adulteration of tomato catsup, tomato sauce, hot sauce, and canned tomatoes. U. S. v. Stockton Food Products, Inc. Plea of guilty. Fine, \$1,300.** (F. D. C. No. 2897. Sample Nos. 56459-D, 56484-D, 56486-D, 56494-D, 56495-D, 72963-D, 92328-D, 92329-D, 92331-D, 92345-D, 92355-D, 92378-D, 92505-D, 92508-D, 9184-E, 9185-E, 9287-E, 12403-E, 12404-E, 12409-E, 12708-E, 13110-E, 13339-E, 13586-E to 13588-E, incl.)

Portions of these products contained excessive mold, other portions contained worm and insect fragments, and in the remainder both conditions were found.

On May 14, 1941, the United States attorney for the Northern District of California filed an information against Stockton Food Products, Inc., a corporation at Stockton, Calif., alleging shipment and delivery for introduction in interstate commerce within the period from on or about October 25, 1939, to on or about March 12, 1940, from the State of California into the States of Alabama, Florida, Georgia, Louisiana, Maryland, New York, Oregon, Pennsylvania, Texas, Virginia, Washington, and the Territory of Hawaii, of quantities of tomato catsup, tomato sauce, hot sauce, and canned tomatoes that were adulterated.

The articles were labeled in part: (Catsup, cans) "Much More Brand \* \* \* Tomato Catsup \* \* \* 6 Lbs. 10 Ozs. Packed for Food Products Co. of America \* \* \* Chicago, Ill.," "Real Red Brand Tomato Catsup \* \* \* 6 Lb. 12 Oz.," "M S C Makes Satisfied Customers Tomato Catsup \* \* \* 6 Lbs. 12 Oz. Packed for Recorg Supply Corporation Chicago," or "Racquet Brand Tomato Catsup \* \* \* 6 Lbs. 12 Ozs. \* \* \* Harcourt Greene Co. Distributors San Francisco"; (tomato sauce, cans) "Dellford Brand Tomato Sauce \* \* \* 8 Oz. Avd. \* \* \* Middendorf & Rohrs Distributors New York," "8 Oz. U/L Tom. Sauce," "Fargo Brand Spanish Style Tomato Sauce \* \* \* 8 Oz. Packed for Food Products Co. of America \* \* \* Chicago, Ill.," "Happy Home \* \* \* 7¾ Oz. Avoir. Spanish Style Tomato Sauce \* \* \* Schwabacher Bros. & Co., Inc. Seattle, Wash. Distributors," "Standby Fancy Tomato Sauce \* \* \* 7¾ Oz. Avd. Packed for Fine Foods, Inc. Seattle Minneapolis," "Royal Clover Brand Spanish Style Tomato Sauce \* \* \* 7¾ [or "8"] Oz. Avoir. \* \* \* Distributed by B. H. Rudo & Brother [or "Royal Clover Distributing Co."] Baltimore, Md.," "Red & White Brand \* \* \* Tomato Sauce \* \* \* 7¾ Oz. \* \* \* Red & White Corp'n Distributor Chicago," or "Shurfine Fancy Tomato Sauce Spanish Style \* \* \* 7¾ Ozs. \* \* \* National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago"; (hot sauce, cans) "Nation's Garden Brand Spanish Style Hot Sauce \* \* \* 7½ Oz. Avd. \* \* \* Packed for Fine Foods, Inc. Seattle-Minneapolis," "For All Brand Hot Sauce \* \* \* 7½ Oz. \* \* \* Harcourt Greene Co. Distributors San Francisco, Calif.," or "Brimfull Brand Hot Sauce \* \* \* 7¾ Oz. Distributed by Kitchen Products, Inc., Chicago"; and (tomatoes, cans) "Tastewell \* \* \* Tomatoes \* \* \* National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy and/or decomposed substances.

On September 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, totaling \$1,300.

**2743. Adulteration and misbranding of tomato catsup. U. S. v. 350 Cases, 249 Cases, and 231 Cases of Tomato Catsup. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5308, 6358. Sample Nos. 62416-E, 73464-E, 73465-E.)

Examination showed that this product contained decomposed material as evidenced by the presence of excessive mold. The bottles in one lot failed to bear a label containing the name of the product, the name and address of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

On August 8 and December 4, 1941, the United States attorneys for the Northern District of Illinois and the Western District of Oklahoma filed libels (the former was amended on October 14, 1941) against 350 cases each containing 12 bottles of tomato catsup at Chicago, Ill., and 480 cases each containing 24 bottles of tomato catsup at Oklahoma City, Okla., alleging that the article had been shipped on or about May 19 and October 15, 1941, by Fettig Canning Corporation from Elwood, Ind.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: (350 cases) "All products bearing this label



are guaranteed to comply with the pure food laws"; (249 cases) "Vine-Ripe Tomato Catsup \* \* \* 14 Oz."; or (231 cases) "14 Oz. Catsup White Pony."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The portion of the product seized at Chicago was alleged to be misbranded (1) in that the statement, "All products bearing this label are guaranteed to comply with the pure food laws," was false and misleading; (2) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of contents; and (4) in that its label failed to bear the common or usual name of the food.

On October 16, 1941, and January 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2744. Adulteration and misbranding of tomato catsup. U. S. v. 599 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 3792. Sample No. 31550-E.)**

On February 7, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 599 cases, each containing 24 bottles, of tomato catsup at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 12, 1940, by Reid, Murdoch & Co. from Pierceton, Ind.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Monarch Tomato Catsup Guaranteed By Reid, Murdoch & Co., To Comply With All Food Laws."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance. It was alleged to be misbranded in that the statement "Guaranteed \* \* \* To Comply With All Food Laws" was false and misleading since it was incorrect.

On February 24, 1941, Reid, Murdoch & Co. having petitioned that it be furnished samples and certain information, the court ordered the Government to furnish the petitioner with a true copy of the analysis together with identification marks or numbers, if any, of the cases or packages from which any samples analyzed by the Government had been obtained and also ordered that representative samples be delivered to the petitioner and the Government.

On July 17, 1941, no claim or answer having been filed and the court having found that the allegations of the libel were true, judgment of condemnation was entered and it was ordered that the product be destroyed.

**2745. Adulteration of tomato puree. U. S. v. Butterfield Canning Co. Plea of guilty. Fine, \$75. (F. D. C. No. 5552. Sample Nos. 29175-E, 38950-E.)**

On February 11, 1942, the United States attorney for the Southern District of Indiana filed an information against the Butterfield Canning Co., a corporation, Muncie, Ind., alleging shipment on or about September 7, 1940, and May 2, 1941, from the State of Indiana into the States of Ohio and Minnesota of quantities of tomato puree which was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Indiano Brand Tomato Puree."

On April 17, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$75.

**2746. Receipt in interstate commerce and delivery of adulterated tomato puree. U. S. v. Ferdinand C. Knoebel (Knoebel Mercantile Co.) and Karl A. Seastone. Pleas of nolo contendere. Each defendant fined \$300. (F. D. C. No. 4187. Sample Nos. 44636-E, 44649-E.)**

On October 31, 1941, the United States attorney for the District of Colorado filed an information against Ferdinand C. Knoebel, trading as Knoebel Mercantile Co., Denver, Colo., and Karl A. Seastone, alleging that on or about October 15, 1940, the defendants received in interstate commerce a quantity of canned tomato puree that was adulterated in that it consisted in whole or in part of a decomposed substance; and that on or about January 31, 1941, the defendants proffered for delivery and delivered to a firm in Denver, Colo., 25 cases of the same adulterated canned tomato puree. The information further alleged that the said adulterated canned tomato puree had been shipped in interstate commerce by the Perry Canning Co. from Perry, Utah, on or about October 9, 1940. It was labeled in part: "Gateway Brand Tomato Puree \* \* \* Perry Canning Co., Packers and Distributors, Perry, Utah."

On November 22, 1941, pleas of nolo contendere having been entered by the defendants, the court sentenced them each to pay a fine of \$300.



**2747. Adulteration and misbranding of tomato puree. U. S. v. Uddo Taormina Corporation and Rosario Raspanti. Plea of guilty. Fine, \$1,200. (F. D. C. No. 4125. Sample Nos. 35350-E to 35353-E, incl., 35617-E.)**

This product was deficient in tomato solids. Portions contained added color and portions contained excessive mold, indicating the presence of decomposed material.

On August 26, 1941, the United States attorney for the Southern District of Mississippi filed an information against Uddo Taormina Corporation, Crystal Springs, Miss., and Rosario Raspanti, alleging shipment on or about August 13, 18, and 21, 1940, from the State of Mississippi into the States of Alabama and Louisiana of quantities of tomato puree which was adulterated and misbranded. It was labeled in part: "Baby Brand Tomato Puree." A portion bore the statement "color added" on the label.

Portions of the article were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance. The portion labeled "color added" was alleged to be adulterated in that it was represented on its label to be tomato puree, and was inferior to tomato puree, and its inferiority to tomato puree had been concealed by the addition of artificial color; and in that color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

All lots of the article were alleged to be misbranded in that it purported to be or was represented as tomato puree, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, and contained less than 8.37 percent of salt-free tomato solids, and portions contained added color; whereas the regulations prescribe that tomato puree shall contain not less than 8.37 percent of salt-free tomato solids, and do not name color as an optional ingredient in tomato puree.

On November 4, 1941, a plea of guilty was entered on behalf of the defendants and the court imposed a fine of \$1,200.

**2748. Adulteration of tomato puree. U. S. v. 99 Cases, 63 Cases, and 31 Cases of Tomato Puree. Default decrees of destruction. (F. D. C. Nos. 5236, 6345. Sample Nos. 29495-E, 79044-E, 79045-E.)**

On July 29 and December 2, 1941, the United States attorneys for the Southern District of Ohio and the Eastern District of Kentucky filed libels against 99 cases each containing 24 No. 2 cans of tomato puree at Columbus, Ohio, and 63 cases each containing 48 cans, and 31 cases each containing 6 No. 10 cans, of tomato puree at Covington, Ky., alleging that the article had been shipped on or about April 18 and September 27, 1941, by Butterfield Canning Co. from Muncie, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Indiano Brand Tomato Puree [or "Puree of Tomatoes Contents 6 Lbs. 8 Ozs."]  
\* \* \* Packed By Butterfield Canning Co."; or "Dixie Tomato Puree Net Weight 10½ Oz. Distributed by Dixie Wholesale Grocery Incorporated Covington, Ky."

On October 29 and December 24, 1941, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**2749. Adulteration of tomato puree. U. S. v. 79 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 5779. Sample No. 38987-E.)**

On September 18, 1941, the United States attorney for the District of Minnesota filed a libel against 79 cases of tomato puree at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about August 16, 1941, by J. Leroy Farmer from West Liberty, Iowa; and charging that it was adulterated in that it consisted wholly or in part of decomposed substances. The article was labeled in part: (Cans) "Liberty Brand Tomato Puree."

On March 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2750. Adulteration of canned tomatoes and canned tomato sauce. U. S. v. Santa Anita Food Corporation. Plea of guilty. Fines, \$100 each on counts I and II; sentence suspended on count III. (F. D. C. No. 5478. Sample Nos. 7092-E, 32885-E, 32887-E.)**

These canned tomatoes contained excessive mold indicating the presence of decomposed material, and the tomato sauce contained worm and insect larvae fragments.

On December 21, 1941, the United States attorney for the Southern District of



California filed an information against the Santa Anita Food Corporation, having places of business at Anaheim and Orange, Calif., alleging shipment by said defendant on or about February 22 and October 26, 1940, from Anaheim and Orange, Calif., into the State of Arizona of quantities of canned tomatoes and canned tomato sauce which were adulterated, the former in that it consisted in whole or in part of a decomposed substance, and the latter in that it consisted in whole or in part of a filthy substance.

The information further alleged that on or about December 24, 1940, the defendant sold a quantity of canned tomato sauce under a guaranty that it was not adulterated, that the said tomato sauce was introduced into interstate commerce by the purchaser thereof from Los Angeles, Calif., into the State of Arizona and that when sold and delivered by the defendant and introduced in interstate commerce, the article was adulterated in that it consisted in whole or in part of a filthy substance, and that, by reason of said acts, the defendant had unlawfully given to the purchaser of said tomato sauce a guaranty that was false.

On December 22, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed fines of \$100 each on counts I and II and suspended sentence on count III.

**2751. Adulteration of tomato sauce. U. S. v. 500 Cases of Tomato Sauce. Default decree of condemnation and destruction.** (F. D. C. No. 4518. Sample No. 46742-E.)

Examination showed this product to contain insect fragments and excessive mold.

On May 1, 1941, the United States attorney for the District of Puerto Rico filed a libel against 500 cases of tomato sauce at San Juan, P. R., alleging that the article had been shipped in interstate commerce on or about January 15, 1941, by Tuggle Edstrom Co. (California Food Products) from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part "Lido Tomato Sauce."

On February 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2752. Adulteration of tomato sauce. U. S. v. 200 Cases of Tomato Sauce. Default decree of condemnation; product destroyed.** (F. D. C. No. 4848. Sample No. 49182-E.)

Examination showed that this product contained worm and insect fragments as well as excessive mold.

On or about May 31, 1941, the United States attorney for the Western District of Louisiana filed a libel against 200 cases of tomato sauce at Alexandria, La., alleging that it had been shipped in interstate commerce on or about February 21, 1941, for Parrott & Co., from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part: "Valley Belt Tomato Sauce Spanish Style."

On February 2, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of by the marshal as provided by law. On February 12, 1942, it was destroyed by burning.

**2753. Misbranding of canned tomatoes. U. S. v. 289 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 3607. Sample No. 35459-E.)

Examination showed that this product was substandard because of low drained weight, poor color, and excessive peel.

On January 2, 1941, the United States attorney for the Western District of Louisiana filed a libel against 289 cases, each containing 48 10-ounce cans, of tomatoes at Shreveport, La., alleging that the article had been shipped on or about August 23, 1940, by J. M. Bohannon Canning Co. from Carthage, Tex.; and charging that it was misbranded. It was labeled in part: "Bohannon Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 9, 1941, J. M. Bohannon Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.



**2754. Misbranding of canned tomatoes. U. S. v. 298 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4953. Sample No. 22173-E.)**

Examination showed that this product was not Fancy because of the mushy condition of the tomatoes, lack of uniformity of color, and presence of peel and core.

On June 18, 1941, the United States attorney for the District of New Jersey filed a libel against 298 cases of canned tomatoes at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 9, 1941, by Turlock Cooperative Growers from Modesto, Calif.; and charging that it was misbranded. It was labeled in part: "Madonna Fancy Solid Pack Peeled Tomatoes \* \* \* Packed by Riverbank Canning Company, Riverbank, California."

The article was alleged to be misbranded in that the term "Fancy" was false and misleading as applied to an article that was not Fancy because of the mushy condition of the tomatoes, lack of uniformity of color, and presence of peel and core.

On October 29, 1941, the Riverbank Canning Co. of New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled under the supervision of the Food and Drug Administration.

**OTHER FRUIT AND VEGETABLE PRODUCTS**

**2755. Adulteration of apple butter. U. S. v. 8 Cases and 343 Cases of Apple Butter. Default order of destruction. (F. D. C. No. 5633. Sample Nos. 57838-E; 57839-E.)**

Examination showed that this product contained rodent hairs and insect fragments.

On September 5, 1941, the United States attorney for the Southern District of Illinois filed a libel against 351 cases of apple butter at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about June 4 and 6, 1941, by Fan C Foods, Inc., and by Chris Hoerr & Son from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Polly Ann Pure Apple Butter" or "Live-Well Brand Pure Apple Butter."

On November 26, 1941, no claimant having appeared, on motion of the United States attorney the court ordered the United States marshal to destroy the product.

**2756. Adulteration of apple butter. U. S. v. 133 Cases and 8 Cases of Apple Butter. Default decrees of condemnation and destruction. (F. D. C. No. 5790. Sample No. 49115-E.)**

Examination showed this product to contain rodent hairs and insect fragments.

On September 20 and October 22, 1941, the United States attorney for the Western District of Texas filed libels against 141 cases of apple butter at Austin, Tex., which had been consigned by Fan C Foods, Inc., alleging that the article had been shipped in interstate commerce on or about June 8, 1941, from St. Louis, Mo.; and charging that it was adulterated. It was labeled in part: (Jars) "Magnolia Brand Pure Apple Butter."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 27, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2757. Adulteration of prune butter. U. S. v. 3 Pails of Prune Butter. Default decree of condemnation and destruction. (F. D. C. No. 6244. Sample No. 64372-E.)**

Examination showed that this product contained rodent hairs and insect fragments.

On November 18, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 3 pails, each containing 55 pounds, of prune butter at Pittsburgh, Pa., alleging that the article had been shipped on or about October 24, 1941, by Henry & Henry, Inc., from Buffalo, N. Y.; and charging that it was adulterated. It was labeled in part: "H&H Prune Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.



On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2758. Adulteration of marmalade, jelly, and preserves. U. S. v. 100 Cartons of Marmalade (and 3 other seizure actions against marmalade, jelly, and preserves). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5292, 5340, 5356, 5425. Sample Nos. 69319-E, 69320-E, 69502-E, 69835-E to 69837-E, incl., 74441-E to 74445-E, incl.)

Examination showed that these products were contaminated with filth, such as insect fragments, rodent and human hairs, and nondescript dirt. Other extraneous materials, such as wood splinters and metal fragments, were found in portions of the products.

On August 4, 11, 13, and 22, 1941, the United States attorney for the District of New Jersey filed libels against 100 cartons each containing 12 jars of orange marmalade, 23 dozen jars of assorted jellies, and 17 cases each containing 24 glasses of preserves at Newark, N. J., and 76 cases each containing 24 jars of jelly and 23 cases each containing 24 jars of preserves at Jersey City, N. J., alleging that the articles had been shipped on or about June 28 and 30 and July 8, 1941, by Farmersfriend Products, Inc., from Brooklyn, N. Y.; and charging that they were adulterated. They were labeled in part: "The Better Grade Uco [or "Mrs. Bauer's Brand"] Pure Orange Marmalade"; "Concord Grape [or "Apple Cherry," "Apple Raspberry," or "Apple Strawberry"] Jelly"; "Mrs. Bauer's Brand Pure Strawberry [or "Raspberry"] Preserves"; "Marigold Brand Pure Grape Jelly"; or "Marigold Brand Pure Preserves Strawberry [or "Raspberry," "Cherry," or "Pineapple"]."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On November 19, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2759. Adulteration of jelly, lekvar, and fondant icing. U. S. v. 83 Pails of Jelly and 10 Tubs of Lekvar (and 2 other seizure actions against lekvar, jelly, and fondant icing). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5357, 6383, 6518. Sample Nos. 56718-E, 56719-E, 74837-E to 74839-E, incl.)

Examination showed that a portion of the jelly and a portion of the lekvar were moldy; the fondant icing and a portion of the lekvar and of the jelly were contaminated with filth, such as rodent hairs, human hair fragments, and insect fragments.

On or about August 14 and on December 9 and 13, 1941, the United States attorneys for the District of Connecticut and the District of New Jersey filed libels against 83 30-pound pails of jelly and 10 60-pound tubs of lekvar at Bridgeport, Conn., and 9 30-pound tubs and 8 60-pound tubs of lekvar, 27 100-pound tins of fondant icing, and 177 30-pound cans of jelly at Newark, N. J., alleging that the articles had been shipped within the period from on or about April 5 to on or about November 26, 1941, by Vienna Extract Co. from Brooklyn, N. Y.; and charging that they were adulterated. Portions of the products were labeled in part: "D. L. Brand Imitation Fruit Jelly"; "Five Star Lekvar"; or "Creamed Fondant Icing."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy or decomposed substances. The fondant icing and portions of the lekvar and jelly were alleged to be adulterated further in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On December 23, 1941, and March 2, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**2760. Adulteration of red raspberry puree. U. S. v. 35 Cans of Raspberry Puree. Default decree of condemnation and destruction.** (F. D. C. No. 5981. Sample No. 74496-E.)

This product contained insect fragments.

On or about October 10, 1941, the United States attorney for the District of New Jersey filed a libel against 35 cans of raspberry puree at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about September 11, 1941, by Wood & Selick from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Favorite Red Raspberry Puree."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



**2761. Adulteration of pickles. U. S. v. 194 Cases of Pickles. Default decree of condemnation and destruction. (F. D. C. No. 5858. Sample Nos. 49441-E, 49442-E, 49443-E.)**

This product was found to have been prepared under insanitary conditions.

On September 26, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 194 cases of pickles at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 20, June 3, and August 13, 1941, by W & W Pickle & Canning Co. from Montgomery, Ala.; and charging that it was adulterated in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Jars) "Alabam Girl Brand Dill Pickles [or "Sweet Mixed Pickles" or "Sour Pickles"]."

On January 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**DRIED FRUITS AND VEGETABLES**

**2762. Alleged adulteration of prunes. U. S. v. Libby, McNeill & Libby. Plea of not guilty. Tried to the court. Judgment of not guilty. (F. D. C. No. 2903. Sample Nos. 33097-E, 33098-E.)**

This action was instituted on charges of shipping insect-infested and moldy prunes in interstate commerce.

On December 28, 1940, the United States attorney for the Northern District of California filed an information against Libby, McNeill & Libby, a corporation, having a place of business at San Francisco, Calif., alleging shipment on or about October 4 and October 18, 1939, from the State of California into the State of New York of quantities of prunes which were alleged to be adulterated in that they consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Santa Clara Prunes."

On October 9, 1941, a plea of not guilty having been entered, the case came on for trial before the court without a jury. The trial was concluded on October 10, on which day the court entered judgment finding the defendant not guilty.

**2763. Adulteration of dried apricots. U. S. v. 515 Cases and 35 Boxes of Dried Apricots (and 3 other seizure actions against dried apricots.) Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 3472, 3473, 3474, 3491. Sample Nos. 46019-E to 46023-E, incl.)**

Samples of this product were found to be insect-infested, dirty, and moldy.

On December 5 and 9, 1940, the United States attorney for the Southern District of New York filed libels against 1,366 cases and boxes of dried apricots at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 29 to on or about August 23, 1940, by Jack Gomperts & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: "25 Lbs. Net Wt. California Apricots Packed For [or "Distributed By"] Jack Gomperts & Co."

On January 10, 1942, Jack Gomperts, trading and doing business as Jack Gomperts & Co., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**2764. Adulteration of dried apricots. U. S. v. 362 Cases of Dried Apricots. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3453. Sample No. 14553-E.)**

Samples of this product were found to contain rodent hairs, rodent excreta, insect fragments, and miscellaneous filth.

On November 26, 1940, the United States attorney for the Middle District of Pennsylvania filed a libel against 362 cases of dried apricots at New Cumberland, Pa., alleging that the article had been shipped in interstate commerce on or about November 1, 1940, by Reiss & Bernhard, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "25 Lbs. Net Wt. Calif. Apricots Choice Distributed by Jack Gomperts and Co., San Francisco, California."

On January 19, 1942, Jack Gomperts & Co., claimant, having admitted the



allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

**2765. Adulteration of raisins. U. S. v. 13 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 5821. Sample No. 74042-E.)

Examination showed this product to be insect-infested.

On or about September 22, 1941, the United States attorney for the District of Connecticut filed a libel against 13 cases of raisins at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about October 19, 1939, by California Prune & Apricot Growers Association from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cases) "Sun-sweet Brand Choice Thompson Seedless Raisins."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2766. Adulteration of raisins. U. S. v. 79 Cases of Raisins. Default decree of condemnation and destruction.** (F. D. C. No. 6180. Sample No. 70028-E.)

This product was insect-infected.

On or about November 10, 1941, the United States attorney for the Southern District of Florida filed a libel against 79 cases of raisins at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about May 7, 1941, by the Sunland Sales Cooperative Association from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bakers' Wednesday Special Midget Thompson Raisins \* \* \* Sun-Maid Raisin Growers of California \* \* \* Fresno, California."

On December 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2767. Adulteration of dried eggs, dried onions, and dried potatoes. U. S. v. 5 Cases of Dried Potatoes, 5 Cases of Dried Onions, and 4 Cases of Dried Eggs (and 1 other case against dried eggs and dried potatoes). Default decrees of condemnation and destruction.** (F. D. C. Nos. 5025 to 5027, incl. Sample Nos. 60281-E to 60284-E, incl., 60286-E, 60289-E, 61504-E.)

The potatoes and the onions were contaminated with insect fragments and rodent hairs and the eggs contained insect fragments and rodent hairs and excreta.

On June 30, 1941, the United States attorney for the Western District of Washington filed a libel against 5 cases each containing 12 5-pound cans of dried potatoes, 5 cases each containing 24 1-pound cans of dried sliced onions, and 4 cases each containing 24 1-pound cans of dried eggs at Tacoma, Wash.; and on August 6, 1941 (amending a second libel originally filed on June 30, 1941), a libel against 22 cases each containing 12 5-pound cans of dried potatoes and 14 cases each containing 24 1-pound cans of dried eggs at Seattle, Wash., alleging that the articles had been shipped by the Dayton Evaporating & Packing Co. from Dayton, Oreg., within the period from on or about March 17 to on or about May 16, 1941; and charging that they were adulterated. They were labeled in part: "Gold Nugget Brand \* \* \* Evaporated Vegetables Granulated Potatoes [or "Sliced Onions"]"; or "Gold Nugget Brand Desiccated Eggs."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On October 15, 1941, and February 19, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

## POULTRY

Nos. 2768 to 2770 report the institution of criminal proceedings and the judgments entered in actions based on the shipment of diseased poultry.

**2768. Adulteration of poultry. U. S. v. Agar Poultry Farms Corporation. Plea of nolo contendere. Fine, \$100 and costs.** (F. D. C. No. 5563. Sample Nos. 69511-E, 69512-E.)

Examination of this product disclosed the presence of decomposed as well as of diseased poultry.

On January 9, 1942, the United States attorney for the District of Maryland filed an information against the Agar Poultry Farms Corporation, Berlin, Md.,



alleging shipment on or about August 20 and 21, 1941, from the State of Maryland into the State of New York of quantities of poultry that was adulterated in that it consisted in whole or in part of a decomposed substance; and in that it was in whole or in part the product of animals, i. e. poultry which had died otherwise than by slaughter.

On February 11, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

**2769. Adulteration of poultry. U. S. v. Boote's Hatcheries & Packing Co., Inc.**  
Plea of guilty. Fine, \$150. (F. D. C. No. 5482. Sample No. 46568-E.)

On January 27, 1942, the United States attorney for the District of Minnesota filed an information against Boote's Hatcheries & Packing Co., Inc., a corporation, Worthington, Minn., alleging shipment on or about December 24, 1940, from the State of Minnesota into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On January 27, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$150.

**2770. Adulteration of poultry. U. S. v. Priebe & Sons, Inc. (W. B. Parrott Co.).**  
Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 5481. Sample Nos. 56196-E to 56200-E, incl.)

On November 10, 1941, the United States attorney for the Northern District of Iowa filed an information against Priebe & Sons, Inc., trading as W. B. Parrott Co. at Manning, Iowa, alleging shipment on or about November 25, 1940, from the State of Iowa into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Choice Brand Poultry \* \* \* Wilson & Co. Dist. \* \* \* Chgo., Ill."

On November 10, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$100 and costs.

**2771. Adulteration of canned fried chicken. U. S. v. 5 Cases of Canned Fried Chicken.** Default decree of condemnation and destruction. (F. D. C. No. 5322. Sample No. 54051-E.)

Examination showed that this product was underprocessed and was undergoing progressive spoilage.

On August 5, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 5 cases, each containing 24 cans, of fried chicken at Philadelphia, Pa., alleging that the article had been shipped on or about March 6, 1941, by the Nomis Corporation from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Penguin Brand Net Weight 10 Ounces Fried Milk Fed Chicken."

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### NUTS AND NUT PRODUCTS

**2772. Adulteration of pecan pieces. U. S. v. 15 Cases of Shelled Pecans.** Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 4784. Sample No. 29473-E.)

This product was contaminated with *Escherichia coli*.

On May 15, 1941, the United States attorney for the Southern District of Ohio filed a libel against 15 cases of shelled pecans at Cincinnati, Ohio, which had been consigned on or about April 10, 1941, alleging that the article had been shipped in interstate commerce by the Sunshine Pecan Shelling Co. from San Antonio, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "60 Lbs. Net. \* \* \* Small Pieces."

On June 18, 1941, the Sunshine Pecan Shelling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2773. Adulteration of pecan pieces. U. S. v. 98 Cartons of Pecans.** Product ordered released under bond for salvaging. (F. D. C. No. 5012. Sample No. 42421-E.)

Examination showed that this product contained curculio larvae.

On June 26, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 98 cartons of pecans at Pittsburgh, Pa., al-



leging that the article had been shipped in interstate commerce on or about May 1, 1941, by Merchants Refrigerating Co. from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 8, 1941, the Southern Pecan Shelling Co., San Antonio, Tex., claimant, having admitted that the allegations of the libel were true with respect to a portion of the product and having consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond for reconditioning under the supervision of the Food and Drug Administration. The product was reconditioned by the removal of all filth.

**2774. Adulteration of walnut meats. U. S. v. 9 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 3629. Sample No. 38439-E.)**

Examination of this product showed the presence of insect-infested, rancid, and moldy nuts.

On January 4, 1941, the United States attorney for the District of Minnesota filed a libel against 9 cartons of walnut meats at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by B. & O. Nut Corporation from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Special Amber Walnut Halves and Pieces."

On March 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2775. Adulteration of peanut butter. U. S. v. Sessions Co., Inc. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 5500. Sample Nos. 29321-E, 29433-E, 35244-E, 35417-E, 35418-E, 35901-E, 37777-E.)**

Samples of this product were found to contain rodent hairs, rodent excreta fragments, miscellaneous insect fragments, and larvae.

On March 11, 1942, the United States attorney for the Middle District of Alabama filed an information against Sessions Co., Inc., a corporation at Enterprise, Ala., alleging shipment within the period from on or about October 2 to on or about December 30, 1940, from the State of Alabama into the States of Georgia, Mississippi, Louisiana, and Tennessee, of quantities of peanut butter that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Goldcraft [or "School Day" or "Armour's Star \* \* \* "] Peanut Butter."

On March 31, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$20 on each of the five counts, totaling \$100.

**2776. Adulteration of almond paste. U. S. v. 3 Cases of Almond Paste. Default decree of condemnation and destruction. (F. D. C. No. 5976. Sample No. 58166-E.)**

This product contained insect fragments.

On October 6, 1941, the United States attorney for the District of Minnesota filed a libel against 3 cases of almond paste at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 16, 1941, by Wood & Selick Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Favorite Almond Paste."

On March 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FATS AND OILS

**2777. Adulteration and misbranding of oil. U. S. v. Alberti Importing & Exporting Co., Inc. Plea of guilty. Fine, \$25. (F. D. C. No. 4188. Sample Nos. 36216-E, 36944-E.)**

Examination showed that this product was cottonseed oil containing little or no olive oil, artificially flavored and colored to simulate olive oil.

On October 20, 1941, the United States attorney for the District of Massachusetts filed an information against Alberti Importing & Exporting Co., Inc., Boston, Mass., alleging shipment on or about August 7 and October 28, 1940, from the State of Massachusetts into the State of Maine of quantities of oil which was adulterated and misbranded. The article was labeled in part: "Berta Brand Olio (design of a woman in a garb suggesting Italian origin) Contents One Gallon Contains 5% Pure Olive Oil and 95% Cottonseed Oil."



The article was alleged to be adulterated in that a substance consisting essentially of cottonseed oil containing little or no olive oil and artificially flavored to simulate olive oil had been substituted wholly or in part for olive oil, which it purported to be; and in that artificial flavoring had been added thereto or mixed or packed therewith to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the word and statements "Olio," "Superior Oil," "Olio Sopraffino," "Recommended especially for the Italian trade," and the Italian brand name "Berta" and the design displayed upon the cans were false and misleading since the said words, brand name, and design represented and suggested that the article was olive oil; whereas it was not olive oil, but was a substance consisting essentially of cottonseed oil containing little or no olive oil and artificially flavored to simulate olive oil; (2) in that it was an imitation of another food and the label did not bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated, "olive oil"; (3) in that it contained artificial flavoring and did not bear labeling stating that fact; and (4) in that statements required by or under authority of law to appear on the label or labeling were not prominently placed thereon in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the label bore statements in a foreign language and the statement of the quantity of the contents and the common or usual name of each ingredient of each article did not appear on the label in said foreign language.

On February 3, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

**2778. Adulteration and misbranding of olive oil. U. S. v. Joseph Benestelli (De Luxe Products Co.).** Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 4146. Sample Nos. 29013-E, 29014-E, 29015-E.)

This product was found to consist essentially of cottonseed oil with little or no olive oil.

On July 3, 1941, the United States attorney for the Western District of Pennsylvania filed an information against Joseph Benestelli, trading as De Luxe Products Co. at McKees Rocks, Pa., alleging shipment on or about May 28 and June 26, 1940, from the State of Pennsylvania into the State of Ohio of quantities of olive oil which was adulterated and misbranded.

The article was alleged to be adulterated in that a product consisting essentially of cottonseed oil and containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded in that the statements, "O Sole Mio Virgin Extra Sublime Olive Oil (one lot "Imported from Lucca—Italy") \* \* \* O Sole Mio Italian Olive Oil is produced with selected ripe olives from the finest regions available. That is why the quality is uniformly 'of the best' at all times. Absolutely pure in all respects and so guaranteed under chemical analysis. You need not hesitate to use this olive oil freely for cooking and eating purposes. Also splendid for medicinal use," and similar statements in Italian, together with the design of olive leaves and branches, appearing on the label, were false and misleading; in that it was offered for sale under the name of another food, olive oil; and in that it was an imitation of another food, olive oil, and its label did not bear in type of uniform size and prominence, or at all, the word "imitation" and, immediately thereafter, the name of the food imitated; one shipment was alleged to be misbranded further in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On November 3, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

**2779. Adulteration and misbranding of olive oil. U. S. v. 10 Cases of Olive Oil.** Default decree of condemnation and destruction. (F. D. C. No. 5766. Sample No. 69245-E.)

This product consisted essentially of cottonseed oil and was artificially flavored and colored to simulate olive oil.

On September 17, 1941, the United States attorney for the Southern District of New York filed a libel against 10 cases of olive oil at New York, N. Y., alleging that the article had been offered for shipment in interstate commerce on or about September 5, 1941, by J. Baba, New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Riviera Brand Pure Olive Oil Imported from Lucca, Toscana, Italy."

The article was alleged to be adulterated in that artificially flavored and colored cottonseed oil, containing little or no olive oil, had been substituted



wholly or in part for olive oil, which the article purported to be; in that inferiority had been concealed by the addition of artificial flavor and artificial color; and in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the following statements "Pure Olive Oil Imported from Lucca Toscana Italy," "Puro Olio d'oliva Importato da Lucca Toscana Italia," "This Olive Oil is guaranteed to be absolutely pure under chemical analysis [similar statements in foreign languages]" and "Imported from Italy," were false and misleading as applied to an article consisting essentially of cottonseed oil, containing little or no olive oil, and artificially flavored and colored to simulate olive oil; in that it was offered for sale under the name of another food; in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

On October 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2780. Adulteration and misbranding of oil. U. S. v. 6 Cans and 9 Cans of Edible Oil. Default decree of condemnation and destruction. (F. D. C. No. 4927. Sample Nos. 56676-E, 56677-E.)**

This product was found to consist essentially of an artificially flavored and colored mixture of cottonseed oil and another oil not olive oil. It contained a coal-tar color that had not been certified for food use.

On or about June 14, 1941, the United States attorney for the District of Connecticut filed a libel against 15 cans of edible oil at Torrington, Conn., alleging that the article had been shipped in interstate commerce on or about April 16, 1941, by L. Campo from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (6 gallons) "One Gallon Net Prodotto Garantito Extra Fine Oil Sopraffino Brand"; or (9 gallons) "1 Gal."

The article was alleged to be adulterated in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact. The 6-gallon lot was alleged to be misbranded further in that the label contained representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by or under the law to appear on the label.

On September 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2781. Misbranding of oil. U. S. v. 11 Glass Jugs and 12 Cans of Oil. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 5767. Sample Nos. 74390-E, 74391-E.)**

This product consisted essentially of cottonseed oil, artificially flavored and colored to simulate olive oil.

On or about September 20, 1941, the United States attorney for the District of New Jersey filed a libel against 11 unlabeled glass jugs and 12 labeled cans of oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 23, 1941, by the Chandu Coffee Co., from Brooklyn, N. Y.; and charging that it was misbranded. The cans of oil were labeled in part: (Main panels) "One Gallon Net Fine Edible Oil P. Enrico Brand."

The article was alleged to be misbranded (1) in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (2) in that it was in package form and failed to bear a label



containing the name and place of business of the manufacturer, packer, or distributor; (3) in that its label failed to bear the common or usual name of the food; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2782. Misbranding of oil. U. S. v. 67 Cans, 30 Cans, and 48 Cans of Oil. Default decrees of condemnation. Product ordered delivered to charitable organizations.** (F. D. C. Nos. 5200, 6199. Sample Nos. 46970-E, 46971-E, 69646-E.)

Analysis showed that one shipment of this product consisted essentially of an artificially colored mixture of cottonseed oil and an oil similar to corn oil, containing little, if any, olive oil; one shipment consisted of artificially flavored and artificially colored corn oil; and the third shipment consisted of an artificially flavored and artificially colored mixture of corn oil and olive oil.

On July 24 and November 12, 1941, the United States attorney for the District of New Jersey filed libels against 145 1-gallon cans of oil at Newark, N. J., alleging that the article had been shipped on or about May 24 and October 25, 1941, by Joseph Colletti from Brooklyn, N. Y.; and charging that it was misbranded. Portions of the article were labeled in part: "Contents: Corn Oil Color Added," or "Contents: Corn Oil and 25% Olive Oil Color Added." A portion was unlabeled except for the statement "1 Gallon."

The portion of the product shipped on May 24 was alleged to be misbranded (1) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that its label failed to bear the common or usual name of the food; (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (4) in that it contained artificial coloring and did not bear labeling stating that fact.

The remainder was alleged to be misbranded (1) in that it was an imitation of another food, namely, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and (2) in that it contained artificial flavoring and did not bear labeling stating that fact.

On October 22, 1941, and January 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to local charitable organizations.

**2783. Adulteration and misbranding of olive oil. U. S. v. 18 Cans, 5 Cans, and 1 Can of Olive Oil. Default decree of condemnation and destruction.** (F. D. C. No. 5361. Sample Nos. 51258-E to 51260-E, incl.)

Examination of this product showed that it consisted essentially of cottonseed oil, containing little or no olive oil. Furthermore, a number of the cans failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On August 14, 1941, the United States attorney for the District of Massachusetts filed a libel against 24 gallon cans of olive oil at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about July 16, 1941, by Donald Dearo and Joseph J. Teti from the State of New York; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated (1) in that a substance, artificially colored cottonseed oil containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded: (1) In that the following statements and designs were false and misleading as applied to artificially colored cottonseed oil containing little or no olive oil: (18 cans, main panels) "Italia \* \* \* Supreme Olive Oil Imported Lucca Italia \* \* \* Italia \* \* \* Olio d'Olive Supremo Importato Lucca-Italia [designs]," (side panels) "The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses \* \* \* [similar statements in Italian]," and (top) "Imported Pure Olive Oil"; (5 cans, main panels) "Superior Olive Oil Diamante Italian Olive Oil Co. [similar statements in Italian]," (side panels) "This olive oil is guaranteed to be absolutely pure. Recommended for cooking,



table and medicinal use Diamante Italian Olive Oil Co. \* \* \* [similar statements in Italian],” and (top) “Pure Imported Olive Oil”; and (1 can, main panels) “Pure Olive Oil Lucca Imported Product \* \* \* Puro Olio d’Oliva Lucca Prodotto Importato [designs],” (side panels) “This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes Packed By Il Vero Pure Olive Oil Co. \* \* \* [similar statements in Italian],” and (top) “Imported Pure Olive Oil.” (2) In that it was offered for sale under the name of another food. (3) In that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word “imitation” and, immediately thereafter, the name of the food imitated. (4) In that it contained artificial coloring and failed to bear labeling stating that fact. (5) (18 cans only) In that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2784. Adulteration and misbranding of olive oil. U. S. v. 17 Cans and 107 Cases of Olive Oil. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5177, 5243. Sample Nos. 50996-E, 59523-E.)

This product was represented to be pure olive oil, but consisted essentially of cottonseed oil with little or no olive oil, and the label failed to bear the name and place of business of the manufacturer, packer, or distributor. The Lucca brand oil contained an uncertified coal-tar color.

On July 18 and 29, 1941, the United States attorney for the District of Maryland filed a libel against 17 gallon cans, and 107 cases each containing 6 gallon cans of olive oil at Baltimore, Md., alleging that the article had been shipped from New York, N. Y., within the period from on or about May 29 to on or about November 22, 1940, by Pietro Esposito Co., Jos. Nunziato Co., and F. Caracciolo; and charging that it was adulterated and misbranded. It was labeled in part: “Pulcella Brand,” or “Olio di Oliva-Vergine Lucca Brand.”

The Pulcella brand was alleged to be adulterated in that a substance containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be. The Lucca brand was alleged to be adulterated (1) in that an artificially colored cottonseed oil containing little or no olive oil had been substituted in whole or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial coloring; (3) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

The Pulcella brand was alleged to be misbranded in that the following statements, “Guaranteed Pure Olive Oil Extra Fine Imported Lucca Italy,” “We guarantee our olive oil to be absolutely pure under any chemical analysis—insuperable for table use and excellent for medicinal purposes [and similar statements in Italian],” were false and misleading as applied to an article consisting essentially of cottonseed oil containing little or no olive oil. The Lucca brand oil was alleged to be misbranded (1) in that the following statements, “Olio di Oliva-Vergine Lucca \* \* \* Prodotto Italiano Olio d’Oliva This olive oil is guaranteed pure Olio d’Oliva Questo Olio e garantito di puro oliva Olio d’Oliva \* \* \* Imported Pure Olive Oil,” were false and misleading as applied to an article that consisted essentially of artificially colored cottonseed oil containing little or no olive oil; and (2) in that it contained artificial coloring and failed to bear labeling stating that fact. Both brands were alleged to be misbranded (1) in that the article was offered for sale under the name of another food; and (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On September 11, 1941, no claimant having appeared for the Pulcella brand, judgment of condemnation was entered and the product was ordered destroyed. On October 25, 1941, Luigi Di Pasquale, claimant for the Lucca brand, having withdrawn his claim and answer to the libel, judgment of condemnation was entered and the product was ordered destroyed.

**2785. Misbranding of oil. U. S. v. 34 and 9 Cans of Oil. Default decree of condemnation and forfeiture. Product ordered delivered to a charitable institution.** (F. D. Co. No. 5768. Sample Nos. 74388-E, 74389-E.)

This product consisted essentially of peanut oil, with a small amount of cottonseed oil, and contained little or no olive oil, and was artificially flavored and colored to simulate olive oil.



On or about September 20, 1941, the United States attorney for the District of New Jersey filed a libel against 34 labeled cans and 9 unlabeled cans of oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 23, 1941, by Marino Edible Oil, Inc., from Brooklyn, N. Y.; and charging that it was misbranded. The 34 cans were labeled in part: "Contents One Gallon Zingarella Brand Oil of Delicious Flavor Peanut and Olive Oil."

The article was alleged to be misbranded (1) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (3) in that it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

The 34 labeled cans were alleged to be misbranded further (1) in that the statement "Peanut and Olive Oil" was false and misleading as applied to artificially flavored and colored peanut and cottonseed oil, containing little or no olive oil; and (2) in that the label contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by or under said law to appear on the label.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2786. Adulteration and misbranding of olive oil. U. S. v. 4 Cases and 11 Cans of Olive Oil. Default decree of condemnation. Product ordered distributed to local charitable agencies.** (F. D. C. No. 4916. Sample Nos. 56682-E, 56683-E.)

This case involved two lots of a product that was labeled to represent that it was pure olive oil; whereas one lot consisted of a mixture of cottonseed and olive oils, and the other consisted of cottonseed oil with little or no olive oil.

On or about June 16, 1941, the United States attorney for the District of Connecticut filed a libel against 11 cans, and 4 cases each containing 12 cans, of olive oil at Stamford, Conn., alleging that the article had been shipped by Sabaudia Importing Co. from New York, N. Y., on or about April 30, 1941; and charging that it was adulterated and misbranded. It was labeled in part: (Cases) "Extra Sublime Olive Oil"; and (11 cans) "Eletta Brand Pure Imported Olive Oil."

The "Extra Sublime" olive oil was alleged to be adulterated (1) in that artificially colored cottonseed oil containing some olive oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was. The Eletta brand was alleged to be adulterated (1) in that artificially colored and artificially flavored cottonseed oil containing little, if any, olive oil had been substituted wholly or in part for olive oil; (2) in that inferiority had been concealed by the addition of artificial flavor and color; and (3) in that artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the following statements and designs were false and misleading: ("Extra Sublime" oil, main panels of cans) "Lucca Italy \* \* \* Packed in Italy \* \* \* Olive Oil \* \* \* [design of an olive branch and olives] Olio Sopraffino puro d'oliva Garantito sotto qualunque Analisi Chimica \* \* \* We guarantee this olive oil to be absolutely pure under chemical analysis and oil finest quality," and (top of can) "Packed in Italy"; and (Eletta brand, main panels of can) "Pure Imported Olive Oil \* \* \* [similar statement in Italian and design of an olive branch and olives]," (side panels) "Guaranteed absolutely pure olive oil for table and medicinal purposes [similar statement in Italian and design of a crown, shield, and olive branch]," and (top) "Imported Olive Oil." It was alleged to be misbranded further in that it contained artificial flavoring (and one lot also contained artificial coloring) but failed to bear labeling stating these facts. Both portions of the article were alleged to be misbranded further (1) in that it was offered for sale under the name of another food; and (2) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated.

On September 23, 1941, no claimant having appeared, judgment of condemna-



tion was entered and the product was ordered distributed to local charitable agencies.

**2787. Adulteration and misbranding of oil. U. S. v. 62 Cases of Oil. Consent decree of condemnation. Product ordered released under bond for soap grease. (F. D. C. No. 3993. Sample No. 56031-E.)**

This product was an imitation olive oil consisting essentially of artificially flavored and artificially colored cottonseed oil with a small amount of peanut oil and containing little if any olive oil and its label failed to state that it was an imitation olive oil and failed to bear a plain and conspicuous declaration of the presence of artificial flavor and color. It contained an uncertified coal-tar color.

On March 17, 1941, the United States attorney for the District of Connecticut filed a libel against 62 cases of oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about February 13, 1941, by the Spagna Olive Oil Co. from Boston, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "One Gallon Buono Brand Fine Oil Packed by The California Olive Oil Company Boston, Mass. This can contains 85% Peanut and Cottonseed Oil, Flavored with 15% Imported Olive Oil. Flavor and Color Added."

The article was alleged to be adulterated in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded in that it was an imitation of another food, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. It was alleged to be misbranded further in that the declaration of artificial flavoring and coloring, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On November 4, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sold to a soap plant to be manufactured into soap under the supervision of the Food and Drug Administration.

**2788. Misbranding of salad oil. U. S. v. 62 Cartons of Salad Oil. Consent decree of condemnation. Product ordered released under bond for repackaging and relabeling. (F. D. C. No. 4933. Sample No. 56279-E.)**

On June 17, 1941, the United States attorney for the District of New Jersey filed a libel against 62 cartons of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 13, 1940, by J. Ossola Co., Inc., from New York, N. Y.; and charging it was misbranded. It was labeled in part: "Columbus Brand 80% Vegetable Oil 20% Pure Olive Oil Extra Quality Net Contents 1 Gallon."

The article was alleged to be misbranded in that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since it was stamped in small type at the bottom of the side panels; in that the label contained certain representations in a foreign language (Italian) but failed to contain in such language all the words, statements, and information required by law to appear on the label; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since the term "Vegetable Oil" is ambiguous.

On August 15, 1941, Columbus Provision Co., Inc., Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged and relabeled in compliance with the law.

**2789. Adulteration of oleomargarine. U. S. v. 29 Cases of Oleomargarine. Product adjudged adulterated and ordered delivered to charitable institutions. (F. D. C. No. 3062. Sample No. 16164-E.)**

This product was deficient in fat and contained excessive moisture.

On September 20, 1940, the United States attorney for the Western District of Missouri filed a libel against 29 cases of oleomargarine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 12 and 15, 1940, by Darkee Famous Foods from Chicago, Ill.; and charging



that it was adulterated. It was labeled in part: "One Pound Net Spredit Vegetable Oleomargarine."

The article was alleged to be adulterated in that a substance deficient in fat and containing excessive moisture had been substituted wholly or in part for oleomargarine, a product which should contain not less than 80 percent of fat when manufactured under good commercial practice.

On December 2, 1940, no claimant having appeared, judgment was entered finding the product adulterated as alleged but ordering that it be delivered to charitable institutions since it was not unfit for human consumption.

**2790. Adulteration of oleomargarine. U. S. v. 74 Cases, 52 Cases, 97 Cases, and 32 Cases of Oleomargarine. Product adjudged adulterated and ordered delivered to local charitable institutions.** (F. D. C. Nos. 3061, 3079. Sample Nos. 16159-E to 16161-E, incl., 16165-E.)

This product contained less fat and more moisture than oleomargarine should contain.

On or about September 21 and 25, 1940, the United States attorney for the Western District of Missouri filed libels against 255 cases, each containing 30 1-pound cartons, of oleomargarine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 21, 1940, by Standard Margarine Co., Inc., from Indianapolis, Ind.; and charging that it was adulterated in that a substance deficient in fat and containing excessive moisture had been substituted wholly or in part therefor. The article was labeled in part: "Brednut \* \* \* Oleomargarine," "Gold Dot Margarine," "Peerless Brand Oleomargarine," or "O'Margie Margarine."

No claimant appeared in either action. On November 5, 1940, 32 cases were adjudged adulterated as alleged in the libel and ordered delivered to a local charitable institution since the product was fit for human consumption. On December 10, 1940 (amended May 28, 1941), judgment of condemnation was entered with respect to the remainder of the product and it was also delivered to a charitable institution.

## SACCHARINE PRODUCTS

### CANDY

**2791. Action to enjoin and restrain distribution of adulterated candy. U. S. v. Charles O. McAfee and Joe B. Hill (McAfee Candy Co. and Liberty Candy Co.). Consent decree perpetually enjoining and restraining defendants from introducing or delivering for introduction into interstate commerce adulterated candy or other food products.** (Inj. No. 10.)

On March 26, 1941, the United States attorney for the Middle District of Georgia filed a bill of complaint against Charles O. McAfee and Joe B. Hill, trading as the McAfee Candy Co. and Liberty Candy Co., at Macon, Ga., alleging that the defendants, from on or about August 29, 1940, to the date of the filing of the complaint, had been manufacturing, packing, and shipping candy under insanitary conditions whereby it might have become contaminated with filth, and that said food, so prepared and packed by the defendants, was adulterated in that it consisted wholly or in part of a filthy substance. The complaint alleged further that the defendants were continuously manufacturing and packing adulterated candy and were shipping such candy at various intervals in interstate commerce; that they would continue to ship such adulterated candy unless enjoined from doing so; that various shipments made by the defendants had been sampled and seized, and were found to contain filth; that it would be impossible to sample, analyze, and seize all interstate shipments made by defendants; that the violations were of a continuous and recurring character, and prayed that a preliminary injunction issue and that, after due proceeding, the preliminary injunction be made permanent. On March 26, 1941, the court entered an order that the defendants appear on April 14, 1941, and show cause why preliminary injunction should not be issued as prayed.

On April 15, 1941, the defendants having appeared in person and by counsel and having consented to the entry of decree, judgment was entered perpetually enjoining and restraining the defendants or anyone acting upon their behalf from introducing and delivering for introduction into interstate commerce in violation of the law any adulterated candy or other food product which they had manufactured or would manufacture in the future.



**2792. Action to enjoin and restrain distribution in interstate commerce of adulterated candy. U. S. v. Russell L. Stiles, Sr. (R. L. Stiles Co.). Consent decree granting perpetual injunction. (Inj. No. 20.)**

On or about December 4, 1941, the United States attorney for the District of Massachusetts filed a complaint against Russell L. Stiles, Sr., trading as R. L. Stiles Co. at Stoneham, Mass., alleging that from on or about April 22, 1941, to the date of filing the complaint the defendant had been manufacturing and packing candy and similar confections under insanitary conditions whereby they had become contaminated with filth; that the foods so prepared and packed consisted in whole or in part of a filthy substance which was unfit for food and was adulterated in violation of the law.

The complaint further alleged that the food so prepared and packed by the defendant was being offered for shipment and was being shipped in interstate commerce from Massachusetts to various States; that the defendant would continue to ship similar products unless enjoined from doing so; that it was impossible for Federal authorities to examine and seize each and every interstate shipment of candy and confectionery which would be offered for introduction in interstate commerce by the defendant and that the purpose of the law would be defeated and frustrated unless the defendant was enjoined; and prayed that a preliminary injunction issue and that after due hearing a permanent injunction be granted.

On December 12, 1941, the defendant having consented to the entry of a decree, judgment was entered perpetually enjoining the defendant, and anyone acting upon his behalf, from the introduction or delivery for introduction in interstate commerce of candy or confectionery prepared, packed, or held in or upon the premises of the defendant which was adulterated or misbranded within the meaning of the law.

**2793. Adulteration of candy. U. S. v. Emil George Carl (Blue Ribbon Candy Co.). Plea of guilty. Sentence suspended and defendant placed on probation. (F. D. C. No. 5495. Sample Nos. 24970-E to 24973-E, incl., 25784-E, 40422-E, 50917-E to 50920-E, incl.)**

Examination showed that this product contained rodent hairs and insect fragments.

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Emil George Carl, trading as Blue Ribbon Candy Co., at Baltimore, Md., alleging shipment from the State of Maryland into the States of Pennsylvania, Delaware, and Alabama, within the period from on or about December 5, 1940, to on or about March 24, 1941, of quantities of candy that was adulterated. It was labeled in part: "Fruit and Nuts"; "Cocoanut Cream"; "Cordial Cherries"; "Blackstone Butter Peanut Brittle \* \* \* Packed expressly for M. Brenner & Sons, Harrisburg, Pa."; "Homeland Chocolate Cordial Cherries \* \* \* Homeland Candy Company Baltimore, Maryland."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1941, the defendant entered a plea of guilty and the court suspended sentence and placed the defendant on probation for 60 days.

**2794. Misbranding of Honey Flavored Nut Crisp. U. S. v. Anthony Cairo (Edith Cavell Candy Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 5493. Sample No. 44030-E.)**

This product was short of the declared weight.

On October 11, 1941, the United States attorney for the Northern District of Illinois filed an information against Anthony Cairo, trading as Edith Cavell Candy Co., Chicago, Ill., alleging shipment on or about February 3, 1941, from the State of Illinois into the State of Colorado of a quantity of the above-named product that was misbranded.

The article was alleged to be misbranded in that the statement "16 Ounces," appearing on the boxes, was false and misleading since each of the boxes contained less than 16 ounces of food; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents in terms of weight.

On November 12, 1941, the defendant having entered a plea of guilty on October 29, 1941, the court imposed a fine of \$150.



**2795. Adulteration of candy. U. S. v. Carstarphen, Inc., and Taylor T. Carstarphen, Sr. Plea of nolo contendere. Fines, \$300. (F. D. C. No. 4119. Sample Nos. 20297-E, 20298-E, 20430-E, 20431-E, 20490-E, 20652-E, 37423-E.)**

This product was found to contain insect fragments and rodent hairs.

On June 7, 1941, the United States attorney for the Middle District of Georgia filed an information against Carstarphen, Inc., Macon, Ga., and Taylor T. Carstarphen, Sr., alleging shipment within the period from on or about July 27 to on or about October 19, 1940, from the State of Georgia into the States of North Carolina, Florida, and South Carolina of quantities of candy that was adulterated. It was labeled in part variously: "Sno-Jo," "Capt. Jack," "Mint Balls," "Mint Pillows," or "Lemon Joe Stick."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 23, 1941, pleas of nolo contendere having been entered, the court imposed a fine of \$150 against each defendant.

**2796. Adulteration of candy. U. S. v. James S. Fox (J. S. Fox Candy Co.). Plea of guilty. Defendant placed on probation for 2 years. (F. D. C. No. 2981. Sample Nos. 20475-E to 20478-E, incl., 37456-E, 37457-E.)**

Samples of this product were found to contain rodent hairs, insects, insect fragments, and larvae.

On June 3, 1941, the United States attorney for the Southern District of Georgia filed an information against James S. Fox, trading as J. S. Fox Candy Co. at Augusta, Ga., alleging shipment on or about October 5 and November 28, 1940, from the State of Georgia into the State of South Carolina of quantities of candy which was adulterated. The article was labeled variously in part: "Mint Sticks," "C. C. Squares," "P-Nut Sqs.," or "Honest Blocks."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 26, 1941, a plea of guilty was entered and the defendant was placed on probation for 2 years.

**2797. Adulteration of candy. U. S. v. Cleve Gilliam (Gilliam Candy Co.). Plea of guilty. Fine, \$1,200 and costs. (F. D. C. No. 2985. Sample Nos. 15494-E to 15497-E, incl., 15548-E, 15552-E, 15554-E, 15555-E, 15761-E to 15766-E, incl., 31401-E to 31404-E, incl., 39070-E, 39184-E, 39285-E, 39289-E.)**

Samples of this product were found to contain rodent and unidentified hairs and rodent pellets and fragments.

On May 27, 1941, the United States attorney for the Western District of Kentucky filed an information against Cleve Gilliam, trading as Gilliam Candy Co. at Paducah, Ky., alleging shipment within the period from on or about July 17 to on or about September 6, 1940, from the State of Kentucky into the States of Missouri, Arkansas, Illinois, Indiana, and Tennessee of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled variously in part: "Cello Stick Mint," "Bacon Slice," "Broken Candy," "Bacon Cubes," "Tummy Full Peanut Bar," "Cat Tail," "Sticks," "Cello Sally Stick," "Cello Sally Peanut Butter Stick," "Sambo Stick," or "Kitten Tails."

On November 19, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$100 on each of the first 12 counts of the information. On count 13 a fine of \$1,000 was imposed which was suspended and the defendant was placed on probation for a period of 5 years.

**2798. Adulteration and misbranding of candy. U. S. v. Louis Glickstern. Plea of guilty. Fine, \$20. (F. D. C. No. 4190. Sample Nos. 36951-E, 36952-E.)**

Examination showed that this product contained rodent hairs and insects and insect fragments. One lot was deceptively packaged, and both lots failed to comply with certain labeling requirements of the law as explained hereinafter.

On September 19, 1941, the United States attorney for the District of Massachusetts filed an information against Louis Glickstern, Boston, Mass., alleging shipment on or about December 9, 1940, from the State of Massachusetts into the State of Maine of a quantity of candy that was adulterated and misbranded. It was labeled in part: (Cartons) "1 Lb. Cherry Basket," or "Chocolate Malted Balls."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.



The portion of the candy that was labeled "Cherry Basket" was alleged to be misbranded (1) in that the statements "1 Lb." and "1 Lb. Net Weight," appearing on the cartons and boxes respectively, were false and misleading since the cartons and boxes did not contain 1 pound of candy but did contain a smaller amount; (2) in that its container was so made, formed, or filled as to be misleading; and (3) in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient. Both lots of the article were alleged to be misbranded (1) in that it was food in package form but did not bear an accurate statement of the quantity of contents in terms of weight; and (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On October 7, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$20.

**2799. Adulteration of candy. U. S. v. Ralph J. Klotsbaugh (Josselyn's). Plea of guilty. Fine, \$50 and costs.** (F. D. C. No. 4194. Sample Nos. 28235-E, 28236-E, 28246-E to 28248-E, incl., 50093-E.)

Samples of these products were found to contain insect fragments and rodent hairs.

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Ralph J. Klotsbaugh, trading as Josselyn's at Baltimore, Md., alleging shipment within the period from on or about November 20, 1940, to on or about February 5, 1941, from the State of Maryland into the District of Columbia and the State of Virginia of quantities of candy which was adulterated. The article was labeled in part variously: "Josselyn's Real Cocoanut Macaroons"; "Shot Tower Squares"; or "Milkmak Cocoanut."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 17, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$50 and costs.

**2800. Adulteration of candy. U. S. v. Salvo & Berdon Candy Co. Plea of guilty. Fines totaling \$900; fine of \$400 suspended and defendant placed on probation for 3 years.** (F. D. C. No. 5490. Sample Nos. 35466-E, 35467-E, 35469-E, 35475-E.)

Examination showed that this product was contaminated with rodent and cat hairs, miscellaneous insect fragments, and larvae.

On October 11, 1941, the United States attorney for the Southern District of Mississippi filed an information against Salvo & Berdon Candy Co., a corporation at Natchez, Miss., alleging shipment on or about November 28 and 29 and December 6, 1940, from the State of Mississippi into the State of Louisiana of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Wrappers) "Peppermint Candy Rosalie," "Bouquet Candy," or "Un-X-LD Stick Candy."

On November 17, 1941, the defendant having entered a plea of guilty, the court imposed fines of \$250 each on the first two counts, and a fine of \$400 on the third count, which was suspended and the defendant was placed on probation for 3 years.

**2801. Adulteration of candy. U. S. v. Walter E. Weeks (Tas-T-Nut Co.). Plea of guilty. Fine, \$50 and costs.** (F. D. C. No. 2952. Sample Nos. 28120-E, 28938-E, 28939-E.)

This product was contaminated with rodent hairs and insect fragments.

On May 9, 1941, the United States attorney for the District of Maryland filed an information against Walter E. Weeks, trading as Tas-T-Nut Co. at Baltimore, Md., alleging shipment on or about September 11, 1940, from the State of Maryland into the District of Columbia of quantities of candy that was adulterated. It was labeled in part: "Vanilla [or "Chocolate"] Brazil Fudge."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$50 and costs.



**2802. Adulteration of candy. U. S. v. S. L. Williams Co., Inc. Plea of nolo contendere. Fine, \$150.** (F. D. C. No. 5553. Sample Nos. 37859-E, 37860-E, 50523-E, 59201-E, 59210-E, 59212-E to 59215-E, incl.)

Some portions of this product contained rodent hairs. Other portions contained rodent hairs and insect fragments.

On January 23, 1942, the United States attorney for the Eastern District of Virginia filed an information against S. L. Williams Co., Inc., Norfolk, Va., alleging shipment within the period from on or about January 25 to on or about April 9, 1941, from the State of Virginia into the State of North Carolina and the District of Columbia of quantities of candy that was adulterated. The article was labeled variously: "Wilco' Ices," "Wilco Sweets," "Tasty Creams," or "Golf Ball Suckers."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 30, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150.

**2803. Adulteration of candy. U. S. v. 7 Cartons and 24 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 6014. Sample Nos. 64350-E, 64351-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. It was not determined when such infestation occurred.

On October 11, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 31 cartons of candy at Pittsburgh, Pa., alleging that the article had been shipped on or about March 12 and May 13, 1941, by Curtiss Candy Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (7 cartons) "8 Lbs. \* \* \* 24 Bars 5c Baby Ruth 24 Bars 5c Jolly Jack"; or (24 cartons) "7 Lbs. \* \* \* 24 Bars 5c Baby Ruth 24 Bars 5c Butterfinger."

On October 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2804. Adulteration of candy. U. S. v. 11 Boxes, 2 Boxes, and 3 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5264. Sample Nos. 59530-E, 59531-E, 59532-E.)

On August 4, 1941, the United States attorney for the District of Columbia filed a libel against 16 boxes of candy at Washington, D. C., alleging that the article was in interstate commerce in the District of Columbia in possession of Dixie Sweets; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. Portions of the article were labeled "Dixie Chow" or "Dixie Peanut Bars." The remainder, consisting of marshmallow bars, was unlabeled.

On August 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2805. Adulteration of marshmallows. U. S. v. 50 Cases of Marshmallows (and 5 other seizure actions against marshmallows). Decrees of condemnation and destruction.** (F. D. C. Nos. 5122, 5123, 5176, 5415, 5418, 5419. Sample Nos. 53529-E to 53532-E, incl., 60297-E, 60437-E to 60440-E, incl., 60824-E, 60825-E, 61349-E.)

Examination showed that this product contained insect fragments and rodent hairs.

Between July 11 and August 20, 1941, the United States attorneys for the Western District of Washington and the District of Oregon filed libels against 305 cartons and 375 cases, each containing 24 bags, and 630 cartons and 200 cases, each containing 12 bags, of marshmallows at Seattle, and 50 cases each containing 24 bags and 150 cases each containing 12 bags of marshmallows at Tacoma, Wash.; and 255 cases each containing 24 bags, and 617 cases and 150 cartons, each containing 12 bags, of marshmallows at Portland, Oreg., alleging that the article had been shipped within the period from on or about June 10 to on or about July 31, 1941, by Doumak's Marshmallow Co. from Los Angeles, Calif.; and charging that it was adulterated. It was labeled in part: (Bags) "Doumak's Snow White Marshmallows \* \* \* One Pound Net [or "Net Weight 12 Oz." or "8 Oz. Net"]"; or "Dan-Dee Snow White Marshmallows \* \* \* One Pound Net."



The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 13, 1941, the cases in the Western District of Washington having been consolidated and Doumak's Marshmallow Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed. On September 22 and October 9, 1941, no claimant having appeared for the product seized at Portland, Oreg., judgment of condemnation was entered and the product was ordered destroyed.

**2806. Adulteration of candy. U. S. v. 23 Boxes and 14 Cartons of Candy. Default decrees of destruction.** (F. D. C. Nos. 5960, 6028. Sample Nos. 59654-E, 79032-E.)

This product contained rodent hairs and insect fragments.

On October 3 and 14, 1941, the United States attorneys for the Eastern District of Kentucky and the Northern District of West Virginia filed libels against 23 boxes of candy at Harrodsburg, Ky., and 14 cartons of candy at Parkersburg, W. Va., alleging that the article had been shipped in interstate commerce on or about September 5 and 11, 1941, by the Jobbers Candy Co., Inc., from Bristol, Va.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Big Boy Stick 1 for 1c Mint," or "Sweetheart Suckers."

On November 13 and December 5, 1941, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**2807. Adulteration of candy. U. S. v. 290 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4960. Sample Nos. 65721-E to 65726-E, incl.)

These candies contained rodent hairs.

On June 20, 1941, the United States attorney for the District of Utah filed a libel against 290 cartons of candy at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about April 17, 1941, by the Matzger Chocolate Co., from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Bars) "Taxi Bar," "Double Mint," "Mt. Shasta Creamy Cocoanut Chocolate Covered," "Yum Yum," "Big Marshmallow," or "Jumbo Peanut Brittle."

On December 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2808. Adulteration of candy. U. S. v. 11 Boxes, 21 Boxes, 9 Boxes, and 24 Boxes of Candy. Default decrees of condemnation and destruction.** (F. D. C. No. 5019. Sample Nos. 9546-E to 9549-E, incl.)

Examination showed this product to contain rodent hairs and insect fragments.

On or about June 30, 1941, the United States attorney for the Southern District of Mississippi filed libels against 65 boxes of candy at Biloxi, Miss., alleging that the article had been shipped in interstate commerce on or about April 14, May 13, and June 3, 1941, by McGraw Candy Co. from Mobile, Ala.; and charging that it was adulterated. It was labeled in part: "72 Cocoanut Blocks," "Azalea Brand Peanut Bars," "72 Peanut Blocks," or "Azalea Brand Candy Mint Stick."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 18, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2809. Misbranding of candy. U. S. v. 36 Cases of Candy Pops. Default decree of condemnation and destruction.** (F. D. C. No. 1971. Sample No. 10913-E.)

Examination showed that the boxes containing this product could have held 25 percent more pops without packing, forcing, or systematical arrangement; and that the labeling was further objectionable as indicated hereinafter.

On May 15, 1940, the United States attorney for the District of New Jersey filed a libel against 36 cases of candy pops at Hoboken, N. J., alleging that the article had been shipped in interstate commerce on or about March 26, 1940,



by E. Rosen Co. from Providence, R. I.; and charging that it was misbranded. It was labeled in part: "Fanny Brice's 'Baby Snooks' Pops."

The article was alleged to be misbranded (1) in that its container was so made, formed, or filled as to be misleading; (2) in that the statement of quantity of contents required by law to appear on the label or labeling was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; (3) in that the individual pieces failed to bear the name and place of business of the manufacturer, packer, or distributor; (4) in that the article was fabricated from two or more ingredients and the label on the individual pieces did not bear the common or usual name of each ingredient; and (5) in that it bore or contained artificial flavoring and artificial coloring and the individual pieces did not bear labeling stating that fact.

On January 3, 1941, upon petition of the E. Rosen Co., the case was transferred to the District of Massachusetts, but the claimant having subsequently notified the United States attorney for that district that he did not intend to contest the action, on January 12, 1942, judgment of condemnation was entered and the product was ordered destroyed.

**2810. Adulteration of candy. U. S. v. 40 Cases and 50 Cases of Candy. Default decrees of condemnation and destruction.** (F. D. C. Nos. 5311, 5343. Sample Nos. 59006-E, 69595-E.)

Examination showed that this product contained rodent hairs and insect fragments.

On August 4 and 11, 1941, the United States attorneys for the District of Columbia and the District of New Jersey filed libels against 40 cases each containing 24 bags of candy at Washington, D. C., and 50 cases each containing 24 bags of candy at Newark, N. J., alleging that the article had been shipped on or about July 16 and 25, 1941, by the Washington Candy Co. from Washington Court House, Ohio; and charging that it was adulterated. It was labeled in part: (Bags) "Anise [or "Caramel," "Cinnamon," "Molasses," or "Mint"] Puffs"; "Orange [or "Mint"] Tarts"; or "Boosterettes."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The portion of the product seized at Newark was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 27 and November 19, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2811. Adulteration of grapefruit peels. U. S. v. 3 Barrels of Grapefruit Peels. Default decree of condemnation and destruction.** (F. D. C. No. 6061. Sample No. 59058-E.)

This product contained rodent hairs and insect fragments.

On October 22, 1941, the United States attorney for the District of Maryland filed a libel against 3 barrels of grapefruit peels at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 26, 1941, by the Orange Products Co. from Brooklyn, N. Y.; and charging that it was adulterated. The article was labeled in part: "Red Diced Grapefruit Peels."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### SUGAR AND HONEY

**2812. Adulteration of sugar. U. S. v. 540 Bags of Sugar. Consent decree of condemnation. Product ordered released under bond for segregation of fit portion from the unfit.** (F. D. C. No. 5204. Sample No. 62139-E.)

This product was stored, after shipment, under insanitary conditions, and some of the sacks which were torn contained sugar that was contaminated with rodent hairs and excreta.

On July 23, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 540 bags, each containing 100 pounds, of sugar at Elkhorn, Wis., alleging that the article had been shipped on or about March 8, 1941, by California & Hawaiian Sugar Refining Corporation from Crockett, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, and in that it had been held



under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "C and H Sugar Pure Cane."

On August 5, 1941, Elkhorn Canning Co., Elkhorn, Wis., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit under the supervision of the Food and Drug Administration.

**2813. Misbranding of honey. U. S. v. 36 Packages and 75 Packages of Honey. Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to a charitable institution. (F. D. C. Nos. 3977, 3980. Sample Nos. 44027-E, 44640-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy and properties as indicated hereinafter.

On March 15, 1941, the United States attorney for the Middle District of Tennessee filed a libel against 36 packages of honey at Dickson, Tenn., alleging that the article had been shipped in interstate commerce on or about February 5, 1941, by the Tongue River Apiaries (E. C. Reed & Son) from Ranchester, Wyo. On March 31, 1941, the United States attorney for the District of Colorado filed a libel against 75 packages of honey at Denver, Colo., which had been shipped by Tongue River Apiaries on or about October 1, 1940, from Ranchester, Wyo.

The article was alleged to be misbranded in that the statement, contained in an accompanying circular entitled "Honey 'Round the World," "To make spoiled honey good, 'mix one part spoiled with two parts good'," was false and misleading in that spoiled honey cannot be made good by mixing it with good honey. It was alleged to be misbranded further in that the statements on the carton, "Health Sweet"; "Helpful for impaired digestion, diabetes, etc."; and "A teaspoonful in warm water induces sleep and stimulates the heart," were false and misleading since the use of the article could not be depended upon to fulfill the promises of benefit stated and implied thereby. It was alleged to be misbranded further in that the statements in an accompanying circular entitled "Please Pass the Honey," regarding its efficacy in the maintenance of health, its efficacy in the treatment of heart weakness and heart failure and in reviving heart action, its efficacy in the treatment of pneumonia and its value for general physical repair, its efficacy to produce energy and give the user a healthy complexion, and its efficacy as a cosmetic because of its nourishing, bleaching, astringent and antiseptic effect on the skin, were false and misleading since it would not be efficacious for such purposes.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 499.

On May 27 and June 28, 1941, no claimant having appeared, judgments of condemnations were entered and the product seized at Denver was ordered delivered to a charitable institution and that seized at Dickson was ordered destroyed.

### FLAVORS

**Nos. 2814 to 2818** report the seizure and disposition of vanilla extract which contained resinous substances not derived from the vanilla bean.

**2814. Adulteration and misbranding of vanilla extract. U. S. v. 131 Bottles of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 4254. Sample No. 44382-E.)**

On April 7, 1941, the United States attorney for the District of Utah filed a libel against 131 bottles of vanilla extract at Fort Douglas (Salt Lake City), Utah, alleging that the article had been shipped in interstate commerce on or about March 5, 1941, by Astrol Pharmacal Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Pure Extract Vanilla \* \* \* Distributors Huguenot Laboratories Mount Vernon N. Y."

The article was alleged to be adulterated in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; in that inferiority had been concealed through addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statement "Pure Extract Vanilla" was false and misleading as applied to imitation vanilla extract containing resinous substances not found in genuine vanilla extract; in that it was offered for sale under the name of another food; and in that it was an imitation



of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated.

On May 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2815. Adulteration and misbranding of vanilla extract. U. S. v. 12 Cartons of Vanilla Extract. Default decree of condemnation. Product ordered delivered to Food and Drug Administration for technical use. (F. D. C. No. 4087. Sample Nos. 49531-E, 49532-E.)**

On April 1, 1941, the United States attorney for the Western District of Texas filed a libel against 12 cartons of vanilla extract at San Antonio, Tex., consigned by Duke & Benedict, alleging that the article had been shipped in interstate commerce on or about February 8 and 21, 1941, from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Pure Extract Vanilla \* \* \* Distributors Midwest Laboratories Chicago, Ill.," and "Pure Extract Vanilla \* \* \* Distributors Huguenot Laboratories, Mount Vernon, N. Y."

The article was alleged to be adulterated (1) in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On May 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration for technical uses.

**2816. Adulteration and misbranding of vanilla extract. U. S. v. 22 Cases of Vanilla Extract (and 2 other seizures of vanilla extract). Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 3973 to 3975, incl. Sample Nos. 46606-E, 46607-E, 46902-E.)**

This case was based on the return shipment of three lots of vanilla extract that contained added resins not found in genuine vanilla extract.

On March 19, 1941, the United States attorney for the Southern District of New York filed libels against 64 cases, each containing 24 8-ounce bottles, and 4 cases, each containing 30 8-ounce bottles, of vanilla at New York, N. Y., alleging that the article had been shipped from Fort George G. Meade, Md., and from Trenton, N. J., on or about January 20 and 28, 1941; and charging that it was adulterated and misbranded. It was labeled in part: "Pure Extract Vanilla \* \* \* Distributors Huguenot Laboratories Mount Vernon, N. Y."

The article was alleged to be adulterated (1) in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for pure extract vanilla; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food, and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On September 9, 1941, the cases having been consolidated and Arthur C. Herbert, claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration so that it comply with the law.

**2817. Adulteration and misbranding of vanilla extract. U. S. v. 42 Bottles of Vanilla Extract. Default decree of condemnation. Product ordered delivered to Food and Drug Administration for technical purposes. (F. D. C. No. 4238. Sample No. 37016-E.)**

On April 10, 1941, the United States attorney for the Eastern District of North Carolina filed a libel against 42 bottles of vanilla extract at Fort Bragg,



N. C., alleging that the article had been shipped in interstate commerce on or about December 12, 1940, by Jersey Belle Food Products Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "8 Fl. Oz. Pure Extract Vanilla Plantation Extract Corp. New York, N. Y."

The article was alleged to be adulterated (1) in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated.

On August 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration for technical purposes.

**2818. Adulteration and misbranding of vanilla extract. U. S. v. 155 Bottles of Vanilla Extract. Default decree ordering product delivered to Food and Drug Administration. (F. D. C. No. 3784. Sample No. 35525-E.)**

On February 7, 1941, the United States attorney for the Middle District of Alabama filed a libel against 155 bottles of vanilla extract at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about December 15, 1940, by Midwest Laboratories from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated (1) in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded (1) in that the statement on the label "Pure Extract Vanilla" was false and misleading; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated.

On April 11, 1941, no claimant having appeared, judgment was entered finding the product adulterated and misbranded as alleged in the libel and ordering that it be delivered to the Food and Drug Administration.

### VITAMIN PREPARATIONS

**2819. Misbranding of Crawford's Formula 53 with Vitamin E and Crawford's Ridia. U. S. v. 9 Bottles and 4 Bottles of Crawford's Formula 53 with Vitamin E and 1 Bottle of Crawford's Ridia. Default decree of condemnation and destruction. (F. D. C. Nos. 3556, 3557. Sample Nos. 32615-E, 32621-E.)**

The labels of both of these products failed to bear the common or usual name of each of the ingredients; Crawford's Ridia also bore false and misleading statements, including representations that it was a suitable supplementary food for diabetics.

On January 6, 1941, the United States attorney for the District of Arizona filed a libel against the above-named products at Tucson, Ariz., alleging that Formula 53 had been shipped on or about July 18, 1940, by Walter Bopp from Eagle Rock, Calif., and that Crawford's Ridia had been shipped on or about August 12, 1940, by Crawford Foods, Inc., from Los Angeles, Calif.; and charging that they were misbranded.

Crawford's Formula 53 with Vitamin E was alleged to be misbranded in that its label failed to bear the common or usual name of each of its ingredients since the names "lucerne" and "capsicum," appearing on the label, were not the common or usual names of the ingredients alfalfa and cayenne pepper, respectively.

Crawford's Ridia was alleged to be misbranded (1) in that the statements on the label, "Supplementary Food for Diabetics, \* \* \* Ridia is a Food Adjuvant



to regularly prescribed diets. Ration—Five or more tablets after each meal, according to supplementary needs in the diet,” were false and misleading since the article possessed no properties which made it of peculiar use as a supplementary food for persons suffering with diabetes; (2) in that the statement on the label “Contains Fatsia Horrida and vegetable matter as excipient” was false and misleading in view of its actual composition; and (3) in that its label failed to bear the common or usual name of each of its ingredients.

The libel alleged that Crawford's Formula 53 was also misbranded under the provisions of the law applicable to drugs and devices as reported in D. D. N. J. No. 441.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2820. Misbranding of New Food. U. S. v. Parke D. Brollier (Parke-Lee Food Co.). Plea of nolo contendere. Judgment of guilty. Fine, \$100 and costs. (F. D. C. No. 2912. Sample No. 15001--E.)**

The labeling of this product, which consisted of ground and roasted flaxseed, bore false and misleading representations regarding its constituents and its efficacy in the conditions indicated hereinafter.

On April 21, 1941, the United States attorney for the Northern District of Ohio filed an information against Parke D. Brollier, trading as Parke-Lee Food Co., Lorain, Ohio, alleging shipment on or about February 8, 1940, from the State of Ohio into the State of Iowa of a quantity of New Food which was misbranded.

It was alleged to be misbranded in that the statements, “New Food \* \* \* The Original Natural \* \* \* Food, \* \* \* Newfood is, as the trade name implies, an entirely new type of food. \* \* \* The nutritional value of this all-vegetable auxiliary food with its natural \* \* \* minerals, fats, proteins, gives \* \* \* extra nourishment and strength. This food contains an all-vegetable mucin (mucilage) \* \* \* Newfood is an excellent auxiliary food,” appearing in the labeling, were false and misleading in that they represented that the article was a new food; that it possessed such nutritional value that it would supply important amounts of minerals, fats and proteins and thus give extra nourishment and strength, and would furnish an appreciable amount of mucin (mucilage), whereas it would not be of value for such purposes.

It was alleged to be misbranded further in that the statements “Modern articles of food in our everyday diet may be responsible for many distressing symptoms. Methods of preparation may have destroyed much of the vital constituents, and synthetic compounds that are minus essential elements being substituted for natural products, may also be responsible for dietary deficiencies. We live principally on sugar and starches, neither of which are greatly destroyed by the process of cooking,” and “This food will be a pleasant and effective addition to the diet of any person of any age,” appearing in the circular, were false and misleading in that they represented that it would supply vital constituents which are lacking in modern foods or might have been destroyed by modern methods of preparation, and which would be an effective addition to the diet; whereas it would not be of value for such purposes.

It was alleged to be misbranded further in that the statements “(Vitamin ‘F’) \* \* \* food consisting essentially of a natural blend of the seed coat and embryo of the seeds of linum usitatissimum (Flax) U. S. P.,” borne on the label, and “\* \* \* Food \* \* \* with \* \* \* (Vitamin ‘F’), \* \* \* Eminent food authorities are agreed that there exists a certain fatty acid deficiency, principally a deficiency of Linolic, Insolinolic and Linolinic or Unsaturated Fatty Acids (Vitamin ‘F’), \* \* \* Scientifically processed and prepared from a natural blend of the seed coat and embryo of a selected variety of seeds of linum usitatissimum (flax) U. S. P. \* \* \* The Linolic, Insolinic and Linolinic, Unsaturated Fatty Acids (Vitamin ‘F’),” appearing in the circular, were misleading in that the statement “a natural blend of the seed coat and embryo of a selected variety of seeds of linum usitatissimum (flax),” was a misleading description of ground and roasted flaxseed, and authorities are not agreed that the term “vitamin F” is a proper name to be applied to the unsaturated fatty acids, nor are they agreed that there are fatty acid deficiencies in the ordinary human diet.

It was alleged to be misbranded further in that certain statements in the labeling were false and misleading in that they represented that it would be efficacious in the treatment of symptoms of diabetes, stomach and intestinal ulcers, high blood pressure and indigestion; that it would be beneficial to the diabetic and would aid diabetics to reduce their sugar and would assist in keeping diabetics sugar free, and that it would give diabetics extra nourishment and



strength; that it would be efficacious in the treatment of those who are suffering with stomach and intestinal ulcers; that it would be efficacious in the treatment of high blood pressure; that it would neutralize excess acid and give relief for acid indigestion; and that it would be efficacious to correct dietary deficiencies; whereas it would not be efficacious for such purposes.

It was alleged to be misbranded further in that its label did not bear the common or usual name of the food, namely, flaxseed or linseed, prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On May 23, 1941, the defendant having entered a plea of nolo contendere, he was adjudged guilty and fined \$100.

**2821. Adulteration and misbranding of Hain Becompx Capsules. U. S. v. 56 Packages of Hain Becompx Capsules. Default decree of condemnation and destruction. (F. D. C. No. 4375. Sample No. 32497-E.)**

This product was represented to contain 100 International Units of vitamin B<sub>1</sub> per capsule. Biological assay, however, showed that it contained not more than 60 U. S. P. units of vitamin B<sub>1</sub> per capsule (1 U. S. P. unit is equivalent to 1 International Unit of vitamin B<sub>1</sub>).

On April 17, 1941, the United States attorney for the Southern District of California filed a libel against 56 packages of Hain Becompx Capsules at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 9, 1940, by the International Vitamin Corporation from Brooklyn, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin B<sub>1</sub>, had been wholly or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the following statements appearing on the box were false and misleading since they were incorrect: "Each Capsule contains: B<sub>1</sub>—100 International (200 Sherman) Units."

The article was also charged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 476.

On June 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2822. Adulteration and misbranding of Vi-An Tablets. U. S. v. 30 Bottles and 24 Bottles of Vi-An Tablets. Default decree of condemnation and destruction. (F. D. C. No. 3821. Sample No. 55245-E.)**

Each of these tablets was represented to contain 1,250 International Units of vitamin A and 125 International Units of vitamin D, but biological assay showed that they contained not more than 40 International Units of vitamin A and 60 International Units of vitamin D.

On February 14, 1941, the United States attorney for the Western District of Washington filed a libel against the above-named product at Seattle, Wash., alleging that it had been shipped by Vegetrates, Inc., from Los Angeles, Calif., on or about November 29, 1940; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamin A and vitamin D, had been omitted or abstracted in whole or in part therefrom. It was alleged to be misbranded in that the statement "Four tablets a day \* \* \* furnish: Vitamin A . . . 5,000 I. U. \* \* \* Vitamin D . . . 500 I. U." was false and misleading since it was incorrect.

It also was alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 478.

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

**2823. Misbranding of Crawford's Ridia. U. S. v. 20 Bottles of Crawford's Ridia. Default decree of condemnation and destruction. (F. D. C. No. 3826. Sample No. 55743-E.)**

This product, which consisted essentially of alfalfa and a smaller proportion of mint, was falsely labeled as a supplementary food for sufferers from diabetes.

On February 20, 1941, the United States attorney for the District of Oregon filed a libel against 20 bottles of Crawford's Ridia at Portland, Oreg., alleging



that the article had been shipped on or about January 10, 1941, by Crawford Foods, Inc., from San Jose, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statements on the label, "Ridia Supplementary Food for Diabetics \* \* \* Ridia is a Food Adjuvant to regularly prescribed diets. Ration—Five or more tablets after each meal, according to supplementary needs in the diet," were false and misleading since it possessed no properties which would render it of peculiar usefulness for such purposes. It was alleged to be misbranded further in that its label failed to bear the common or usual name of each of its active ingredients.

It also was alleged to be misbranded under the provisions of the law applicable to drugs and devices, as reported in notices of judgment on drugs and devices.

On April 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2824. Misbranding of Merlek Mineral Water. U. S. v. 32½ Cases of Merlek Mineral Water. Trial by jury; verdict for the Government. Judgment of condemnation and destruction. (F. D. C. No. 2234. Sample No. 7399-E.)**

The labeling of this product, which had the approximate composition of sea water, bore false and misleading representations regarding its efficacy in the conditions indicated below.

On June 22, 1940, the United States attorney for the District of Arizona filed a libel against 32½ cases of Merlek Mineral Water at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about May 18, 1940, by Lee Brothers from Oakland, Calif.; and charging that it was misbranded.

It was alleged to be misbranded in that the statement on the bottle label, "Merlek is sold only to help supply minerals for mineral deficiencies," was false and misleading as applied to an article that had the approximate composition of sea water. It was alleged to be misbranded further in that representations appearing in a circular accompanying the article entitled "Have You Eaten Today? Did You Get the Necessary Minerals?" which recommended it for persons who are "cross, tired, misbehaving, naughty," or suffering from nervous collapse, excess acid, rundown conditions, and many other diseases, and that it was valuable in the maintenance of health, for proper growth, for the teeth, for the blood and for life, were false and misleading when considered in the light of the composition of the product and the dosage recommended.

On July 20, 1940, M. E. Lee and Ned Johnson, claimants, filed an answer to the libel admitting the shipment in interstate commerce but denying that the product was a drug or that it was misbranded when shipped in interstate commerce. On December 10, 1940, the case came up for trial before a jury.

The taking of testimony was concluded on December 19, 1940, on which date the jury returned a verdict for the Government. On January 6, 1941, judgment was entered condemning the product and ordering that it be destroyed.

The libel also charged that the product was misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 513. The court's instructions to the jury are reported in the drug notice.

**2825. Adulteration of miscellaneous foods. U. S. v. A Certain Quantity of Foods. Consent decree of condemnation. Products ordered released under bond for segregation and relabeling of fit portions. (F. D. C. No. 4214. Sample Nos. 56786-E to 56794-E, incl.)**

This case was based on a shipment of salvaged smoke- and water-damaged goods, which included quantities of food products such as baby foods and candy.

On April 15, 1941, the United States attorney for the Southern District of New York filed a libel against 284 cartons of miscellaneous merchandise, including a certain quantity of foods, at New York, N. Y., alleging that the articles had been shipped on or about February 26 and 28, 1941, by Curtis & Travis from Harrisburg, Pa.; and charging that the foods were adulterated in that they consisted in whole or in part of filthy substances and were otherwise unfit for food, and in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

The libel also covered quantities of drugs and cosmetics that were adulterated, as reported in notices of judgment on drugs and devices and on cosmetics.

On April 30, 1941, Gibbs Peoples Drug Service Co., Harrisburg, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that the fit portions be segregated and relabeled in compliance with the law.



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<sup>1</sup> Permanent injunction issued.

<sup>2</sup> Prosecution contested.

<sup>2</sup> Seizure contested.



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flour-----	2559	Crisfield Sea Food Co. :	
Brenner, M., & Sons :		oysters-----	2697
candy-----	2793	Crouch, A. T. <i>See</i> Crouch, A. T.,	
Brewster Creamery :		Creamery Co.	
butter-----	2672	Crouch, A. T., Creamery Co. :	
Brollier, P. D. :		butter-----	2666
New Food-----	2820	Crouch, Leslie :	
Browning, L. R. :		cream-----	2681
cream-----	2680	Cudahy Packing Co. :	
		butter-----	2660



	N. J. No.		N. J. No.
Curtis & Travis:		Fox Co.:	
miscellaneous foods-----	2825	sardine oil-----	2648
Curtiss Candy Co.:		Fox, J. S. See Fox, J. S., Candy Co.	
candy-----	2803	Fox, J. S., Candy Co.:	
Daggett Cheese & Creamery Co.:		candy-----	2796
Cheddar cheese-----	2678	Fox, Peter, Sons Co.:	
Dayton Evaporating & Packing Co.:		butter-----	2657, 2666
dried eggs, onions, and potatoes-----	2767	General Mills, Inc.:	
Dearo, Donald:		flour-----	2564, 2566, 2579, 2585
olive oil-----	2783	Georgia Canning Co.:	
De Luxe Products Co.:		peaches, canned-----	2731
olive oil-----	2778	Gerde, Newman & Co.:	
Dixie Sweets:		butter-----	2660
candy-----	2804	Giant Foods:	
Dixie Wholesale Grocery, Inc.:		butter-----	2653
tomato puree-----	2748	Giant Market:	
Dodgen & Wilson Canning Co.:		butter-----	2654
spinach, canned-----	2738	Gilliam Candy Co.:	
Doughnut Corporation of America:		candy-----	2797
flours, assorted-----	2616	Gilliam, Cleve. See Gilliam Candy Co.	
icing mix-----	2616	Gills, L. M.:	
wheat starch-----	2616	cream-----	2680
Doumak's Marshmallow Co.:		G. L. Baking Co.:	
marshmallows-----	2805	bakery products-----	2629
Douthitt, S. W.:		Glacier Dairy:	
alfalfa meal-----	2644	eggs, frozen-----	2683
Duggin, Wrea:		Glasgow, Lee:	
cream-----	2680	cream-----	2680
Duke & Benedict:		Glickstern, Louis:	
vanilla extract-----	2815	candy-----	2798
Dunlop Milling Co., Inc.:		Gloucester Seafoods Corporation:	
flour-----	2563	whiting, frozen-----	2707
Durkee Famous Foods:		Gochenour, R. A.:	
oleomargarine-----	2789	huckleberries-----	2726
Dustan, F. W., & Son:		Gold Medal Dairies, Inc.:	
pears, canned-----	2733	eggs, frozen-----	2684
Ebert, Lewis, & Sons, Inc.:		Gomperts, Jack, & Co.:	
butter-----	2672	apricots, dried-----	2763, 2764
Eisenmayer Milling Co.:		Gorton-Pew Fisheries Co., Ltd.:	
flour-----	2564	pollock, frozen-----	2713
Ellison, R. C.:		Great A & P Tea Co.:	
cream-----	2680	flour-----	2614
Enns Milling Co.:		whiting, frozen-----	2716
flour-----	2605	Green, J. W.:	
Esposito, Pietro, Co.:		cream-----	2680
olive oil-----	2784	Gross Bros., Inc.:	
Etra Mills. See Katz, A., Etra Mills.		rye graham flour-----	2599
Evans, J. W.:		Grover, F. Russell:	
cream-----	2680	blueberries-----	2723
Fairmont Creamery Co.:		Gwinn Bros. & Co.:	
butter-----	2650	corn meal-----	2620
Fan C Foods, Inc.:		Gwinn Mills Co.:	
apple butter-----	2755, 2756	flour-----	2607
Farmer, J. L.:		Hale, J. M.:	
tomato puree-----	2749	cream-----	2680
Farmers Cooperative Creamery Co.:		Hamblen, G. B.:	
butter-----	2667	codfish, frozen-----	2712
Farmers Union Cooperative Creamery		Hansen, LaV. C.:	
Co., Inc.:		butter-----	2669
butter-----	2651	Harcourt, Greene Co.:	
Farmersfriend Products, Inc.:		tomato products-----	2742
jelly, marmalade, and preserves--	2758	Harding Cream Co.:	
Federal Mill, Inc.:		butter-----	2655
flour-----	2606	Hastings, Clifford:	
Ferguson, Orval:		cream-----	2680
cream-----	2681	Hauser's, Mrs., Food Products Co.:	
Fettig Canning Corporation:		cookies-----	2596
tomato catsup-----	2740, 2743	pancake and waffle flour-----	2596
Field Creamery:		Heersink, Alfred:	
butter-----	2652	cream-----	2681
Fine Foods, Inc.:		Heinzman, C. D.:	
tomato sauce-----	2742	cream-----	2681
Fire Companies Adjustment Bureau:		Hellerick, Frank, Co., Inc.:	
whiting, frozen-----	2715	butter-----	2664
Fish, J. L.:		Helms, J. G.:	
cream-----	2680	cream-----	2680
Fisher Flouring Mills Co.:		Henry & Close, Inc.:	
flour-----	2565	fish, frozen-----	2710
Florsheim Mercantile Co.:		Henry & Henry, Inc.:	
cream-----	2680	prune butter-----	2757
Food Fair (Giant Foods):		Heyd, C. G., & Co.:	
butter-----	2653	butter-----	2670, 2673
Food Products Co. of America:		Hickman, Coward & Wattles, Inc.:	
tomato products-----	2742	butter-----	2659
Forrest City Cotton Oil Mill:		Hickman & Sterling:	
cottonseed cake and meal-----	2642	oysters-----	2698



	N. J. No.		N. J. No.
Hickman, W. P. <i>See</i> Hickman & Sterling.		Lakeview Milling Co.:	
Hill, J. B.:		flour-----	2569
candy-----	<sup>1</sup> 2791	Larabee Flour Mills Co.:	
Hillis, G. D.:		flour-----	2570
cream-----	2680	Larrowe Buckwheat Flour Corpora-	
Hoerr, Chris, & Son:		tion:	
apple butter-----	2755	buckwheat flour-----	2615
Hollon, J. N.:		Lee Bros.:	
cream-----	2680	Merlek Mineral Water-----	<sup>3</sup> 2824
Homeland Candy Co.:		Leggett, Francis H., & Co.:	
candy-----	2793	tomato catsup-----	2740
Horn, I. V., Co.:		Leib Packing Co.:	
butter-----	2659	oysters-----	2696
Hoselhoff, Louis:		Leonard, J. H.:	
cream-----	2680	oysters-----	2702
Huguenot Laboratories:		Lexington Roller Mills, Inc.:	
vanilla extract-----	2814-2816	flour-----	2571
Hulse, F. J.:		Libby, McNeill & Libby:	
cream-----	2680	prunes-----	<sup>2</sup> 2762
Humphreys-Godwin Co.:		Liberty Candy Co.:	
cottonseed meal-----	2643	candy-----	<sup>1</sup> 2791
Humphreys Mills:		Lineboro Canning Co., Inc.:	
corn meal-----	2621	peas, canned-----	2736
Hygrade Bakery:		Linwood Creamery:	
pretzel sticks-----	2633	butter-----	2674
Idaho Egg Producers:		Loftis, Mrs. W. T.:	
eggs, frozen-----	2685	cream-----	2680
Igleheart Bros., Inc.:		Loma Linda Food Co.:	
flour-----	2608	breakfast food-----	2637
Industrial Oil Products Corporation:		Lore, G. I. R. <i>See</i> Lore, J. C., & Sons.	
sardine oil-----	2648	Lore, J. C. <i>See</i> Lore, J. C., & Sons.	
International Vitamin Corporation:		Lore, J. C., Jr. <i>See</i> Lore, J. C., & Sons.	
Hain Becompix Capsules-----	2821	Lore, J. C., & Sons:	
Interstate Milling Co.:		oysters-----	2700
corn meal-----	2617, 2618	Louisiana State Rice Milling Co.:	
Jaeger, Frank, Milling Co.:		rice-----	2638
rye flour-----	2600	Loveland Canning Co.:	
Jenkins Mill:		cherries, canned-----	2730
corn meal-----	2622	Lyon, S. T.:	
Jennison, W. J., Co.:		cream-----	2680
flour-----	2609	Lysle, J. C.:	
Jersey Belle Food Products Co.:		flour-----	2572
vanilla extract-----	2817	Majestic Flour Mill:	
Jobbers Candy Co., Inc.:		flour-----	2554
candy-----	2806	Mariner's Fish Co.:	
John's Fish Market:		perch, frozen-----	2711
crab meat-----	2692	Marino Edible Oil, Inc.:	
Jones, Thos. E., & Co.:		peanut and olive oil-----	2785
oysters-----	2699	Martin, O. V.:	
Josselyn's:		cream-----	2680
candy-----	2799	Matzger Chocolate Co.:	
Kansas Milling Co.:		candy-----	2807
flour-----	2567	Mayer, J. E.:	
Katz, A., Etra Mills:		cakes and pies-----	2630
rye graham flour-----	2601	Mayfield, Alva:	
K. B. R. Milling Co.:		cream-----	2680
flour-----	2568	McAfee, C. O. <i>See</i> McAfee Candy Co.	
Kelley, Farquhar & Co.:		McAfee Candy Co.:	
strawberries, frozen-----	2728	candy-----	<sup>1</sup> 2791
Kern Food Products, Inc.:		McConnell, A. F. C.:	
tomato products-----	2741	butter-----	2666
Keyser, James:		McDonald, J. A., & Sons:	
huckleberries-----	2727	corn meal-----	2623
Kirk, A. R.:		McGraw Candy Co.:	
eggs, shell-----	2690	candy-----	2808
Kirk A. R., Co.:		Meadow Brook Farms:	
eggs, frozen-----	2687	alfalfa meal-----	2644
Kitchen Products, Inc.:		Merchants Refrigerating Co.:	
hot sauce-----	2742	pecan pieces-----	2773
Klotsbaugh, R. J.:		Middendorf & Rohrs:	
candy-----	2799	tomato sauce-----	2742
Knoebel, F. C. <i>See</i> Knoebel Mercantile Co.		Midwest Laboratories:	
Knoebel Mercantile Co.:		vanilla extract-----	2815, 2818
tomato puree-----	2746	Minneola Creamery Co.:	
Knoke, H. C., & Co.:		butter-----	2668
barley flour-----	2603	Mitsui Bussan Kaisha, Ltd.:	
Kramer, J. R., Inc.:		crab meat-----	2694
butter-----	2663, 2667, 2676	Monroe City Creamery:	
Kuluz Bros. Packing Co.:		butter-----	2656
oysters, canned-----	2706	Moore-Lowry Flour Mills Co.:	
Laek, Henrietta:		flour-----	2573
cream-----	2680	Morten Milling Co.:	
		flour-----	2574

<sup>1</sup> Permanent injunction issued.<sup>2</sup> Prosecution contested.<sup>3</sup> Seizure contested.



	N. J. No.		N. J. No.
Moundridge Milling Co.:		Quaker Oats Co.:	
whole wheat flour-----	2597	flour-----	2555
Mountain City Mill Co.:		noodles-----	2634
corn meal-----	2624	Rabby, O. J.:	
grits-----	2624	crab meat-----	2691
Nampa Milling & Elevator Co.:		Raspanti, Rosario:	
flour, self-rising-----	2575	tomato puree-----	2747
Nash-Finch Co.:		Recorg Supply Corporation:	
cherries, canned-----	2730	tomato catsup-----	2742
National Retailer-Owned Grocers, Inc.:		Red Star Milling Co. (General Mills, Inc.):	
tomatoes and tomato products-----	2742	flour-----	2579
Nelson Packing Co.:		Red & White Corporation:	
peas and carrots, canned-----	2735	tomato sauce-----	2742
New Fish Co.:		Red Wing Milling Co.:	
perch, frozen-----	2708	flour-----	2612
New Fisheries:		Reed, E. C., & Son:	
perch, frozen-----	2708	honey-----	2813
New Standard Baking Co.:		Reid, Murdoch & Co.:	
cakes-----	2631	tomato catsup-----	2744
Noll, R. H.:		Reiss & Bernhard:	
cream-----	2680	apricots, dried-----	2764
Nomis Corporation:		Rich, Joseph A., Co.:	
chicken, canned fried-----	2771	whiting, frozen-----	2714
Nunziato, Jos., Co.:		Rickert Rice Mills, Inc.:	
olive oil-----	2784	rice-----	2639
O'Hara, F. J., & Sons, Inc.:		Riverbank Canning Co.:	
fish, frozen-----	2709	tomatoes, canned-----	2754
O. K. Mills (Ballard & Ballard):		Robinson, C. C.:	
flour, self-rising-----	2556	cream-----	2680
Olson, A. E.:		Robinson, E. C.:	
cream-----	2681	cream-----	2680
Orange Products Co.:		Rogers, J. J., & Sons:	
candied grapefruit peels-----	2811	flour-----	2562
Orsbarn, H. M.:		Roop, T. B.:	
butter-----	2666	ice cream cones-----	2632
Ossola, J., Co., Inc.:		Rosen, E., Co.:	
olive oil mixture-----	2788	candy-----	2809
Page, Thomas, Mill Co.:		Rosenblum, Nathan:	
flour-----	2576	flour-----	2580
Palmer, Susie:		Ross, L. W.:	
cream-----	2680	cream-----	2680
Park, David, Co.:		Ross, Walter D., Co.:	
butter-----	2675	peaches, canned-----	2732
Parke-Lee Food Co.:		Royal Clover Distributing Co.:	
New Food-----	2820	tomato sauce-----	2742
Parrott & Co.:		Royale Popcorn Co., Inc.:	
tomato sauce-----	2752	popcorn-----	2641
Parrott, W. B., Co.:		Rudo, B. H., & Bro.:	
poultry-----	2770	tomato sauce-----	2742
Pasteelnick, Michael:		Russell-Miller Milling Co.:	
blueberries-----	2724	flour-----	2580, 2581, 2610
Peerless Milling Co.:		Sabaudia Importing Co.:	
flour-----	2607	olive oil-----	2786
Pekin Creamery Co.:		St. Louis Refrigerating & Cold Stor- age:	
butter-----	2676	butter-----	2658
Pemberton, W. H.:		Saline, R. C.:	
cream-----	2680	cream-----	2680
Pendelton, William F., Co., Inc.:		Salvo & Berdon Candy Co.:	
peaches, canned-----	2732	candy-----	2800
Perry Canning Co.:		Santa Anita Food Corporation:	
tomato puree-----	2746	tomatoes and tomato sauce-----	2750
Phoenix Flour Mill:		Schley, S. R.:	
flour-----	2608	oysters-----	2701
Tillsbury Flour Mills Co.:		Schulze, P. A., Co. See Schulze, Paul A., Co.:	
flour-----	2577, 2610	Schulze, Paul A., Co.:	
Plantation Extract Corporation:		butter-----	2653, 2654, 2659
vanilla extract-----	2817	Schwabacher Bros. & Co., Inc.:	
Popcorn Growers & Distributing Co.:		tomato sauce-----	2742
popcorn-----	2640	Scioto Farm Bureau Cooperative Assoc.:	
Porbeck, George F., Brokerage Co.:		corn meal-----	2625
spinach, canned-----	2738	Seaboard Supply Co., Inc.:	
Portland Fish Co.:		cod-liver oil, poultry-----	2645
pollack, frozen-----	2709	Sears, Mrs. E. F.:	
Postel, Ph. H., Milling Co.:		cream-----	2680
flour-----	2611	Seastone, K. A.:	
Powell, R. E., Grocery Co.:		tomato puree-----	2746
flour-----	2578	Sell, R. B.:	
Priebe & Sons, Inc.:		cream-----	2680
poultry-----	2770	Sessions Co., Inc.:	
Progressive Fillett Co.:		peanut butter-----	2775
whiting, frozen-----	2715	Seufert Bros. Packing Co.:	
Pruitt, Frank:		cherries, canned-----	2729
cream-----	2680		
Pruitt, W. B., Produce Co.:			
butter-----	2657		



	N. J. No.		N. J. No.
Shawnee Milling Co.:		Travers Bros. Co.:	
flour-----	2582	oysters-----	2701
Shellabarger Mill & Elevator Co.:		Tucker, H. C.:	
flour-----	2583	cream-----	2680
Silver Shell Oyster Co.:		Tuggle Edstrom Co. (California Food	
crab meat-----	2691	Products):	
Small, J. G.:		tomato sauce-----	2751
corn meal-----	2626	Turlock Cooperative Growers:	
Smith, J. Allen, Co.:		tomatoes, canned-----	2754
flour-----	2584	Uddo Taormina Corporation:	
Southard, G. I.:		tomato puree-----	2747
butter-----	2664	Union Fish Co.:	
Southwide Flour Co.:		oysters-----	2702
flour-----	2585	United Grocery Co.:	
Spagna Olive Oil Co.:		peas, canned-----	2736
olive oil mixture-----	2787	Valley City Milling Co.:	
Spartan Grain & Mill Co.:		flour, self-rising-----	2588
corn meal-----	2627	Valley Creamery Co.:	
Sperry Flour Co.:		butter-----	2662
flour-----	2585	Valley Creamery, Inc.:	
Springfield Flour Mills:		butter-----	2663
flour-----	2586	Vegetrates, Inc.:	
Springfield Produce Co.:		Vi-An Tablets-----	2822
apples-----	2720	Vienna Extract Co.:	
Stamm, P. C.:		icing, jelly, and Lekvar-----	2759
oysters-----	2705	Waggoner-Gates Milling Co.:	
Stamper, F. M., Co.:		flour-----	2589
eggs, frozen-----	2688	Wahlborg, A. B.:	
Stanchfield Creamery Co.:		cream-----	2681
butter-----	2669	Wall-Rogalsky Milling Co.:	
Standard Margarine Co., Inc.:		flour-----	2590
oleomargarine-----	2790	Walnut Creek Milling Co.:	
Standard Milling Co.:		flour-----	2591
flour-----	2578, 2587	Ward, C. W. See Ward, Z. & Son.	
Star Valley Creamery Co.:		Ward, M. E. See Ward Oyster Co.	
skim milk powder-----	2682	Ward, O. E.:	
Stein Hall & Co., Inc.:		cream-----	2680
rice flour-----	2602	Ward Oyster Co.:	
Sterling, A. T.:		oysters-----	2704
oysters-----	2698	Ward, R. K. See Ward, Z., & Son.	
Stiles, R. L., Co.:		Ward, Z., & Son:	
candy-----	<sup>1</sup> 2792	oysters-----	2703
Stiles, R. L., Sr. See Stiles, R. L., Co.		Ward, Zach. See Ward, Z., & Son.	
Stock, F. W., & Sons:		Warfield Co.:	
flour-----	2613	tomato catsup-----	2740
Stockton Food Products, Inc.:		Washburn Crosby Co.:	
tomatoes and tomato products-----	2742	flour-----	2610, 2614
Stoops Packing Co.:		Washington Candy Co.:	
corn, canned-----	2734	candy-----	2810
Streit, Aron, Inc.:		Washington Cooperative Poultry Asso-	
noodles-----	2635	ciation:	
Strickland, W. H.:		eggs, frozen-----	2689
cream-----	2680	Weeks, W. E.:	
Sugar Creek Creamery Co.:		candy-----	2801
butter-----	2660	Weems Seafood Co.:	
Sugar Crisp Cone Co.:		oysters-----	2705
ice cream cones-----	2632	Western Grain Co.:	
Sunland Sales Cooperative Assoc.:		corn meal-----	2628
raisins-----	2766	hominy grits-----	2636
Sun-Maid Raisin Growers of Cali-		Wetterau Grocer Co., Inc.:	
fornia:		salmon, canned-----	2718
raisins-----	2766	Whaley Mill & Elevator Co.:	
Sunshine Pecan Shelling Co.:		flour-----	2592
pecan pieces-----	2772	Wharton, W. S.:	
Swayer, L. R.:		cream-----	2680
cream-----	2680	White, J. H. See White, J. H., Co.	
Swift & Co.:		White, J. H. Co.:	
butter-----	2661	oysters-----	2697
Cheddar cheese-----	2679	Whitmoyer Laboratories, Inc.:	
Taegel, W. R.:		cod-liver-oil concentrate-----	2647
cream-----	2680	Wichita Flour Mills Co.:	
Tas-T-Nut Co.:		flour-----	2593
candy-----	2801	Williams, S. L., Co., Inc.:	
Teti, J. J.:		candy-----	2802
olive oil-----	2783	Wilson Canning Co.:	
Thomas, Geo. H., Inc.:		spinach, canned-----	2739
whiting, frozen-----	2707	Wilson & Co.:	
Tidwell, W. E.:		butter-----	2660
cream-----	2680	poultry-----	2770
Tobian, Louis, & Co.:		Wilson, Roy:	
cottonseed cake and meal-----	2642	cream-----	2680
Tongue River Apiaries (E. C. Reed &		Winebrener, D. C., & Son, Inc.:	
Son):		peas, canned-----	2737
honey-----	2813		

<sup>1</sup> Permanent injunction issued.



	N. J. No.		N. J. No.
Wolf Milling Co. :		Yates, Carlton :	
flour -----	2594	blueberries -----	2725
Wood & Selick Co. :		Yukon Mill & Grain Co. :	
almond paste -----	2776	flour, self-rising -----	2555, 2595
raspberry puree -----	2760	Zeck, W. H. :	
Wootton, John :		cream -----	2680
perch, frozen -----	2708	Zenith-Godley Co. :	
W & W Pickle & Canning Co. :		butter -----	2675
pickles -----	2761	Zimmer & Dankak, Inc. :	
		butter -----	2668





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